

**CITY COUNCIL BUSINESS MEETING AGENDA
BUSINESS MEETING
1705 MAIN STREET, DAPHNE, AL
MARCH 5, 2012
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / February 20, 2012

PUBLIC HEARINGS: 1.) Amendment to the Land Use & Development Ordinance /
Revisions to the Zoning Map / **Ordinance 2012-19**

2.) Annexation of Woodrow Lane Right-of-Way
Property Located: AL Highway 181 to the unimproved portion of Woodrow Lane
Recommendation: Unanimous Favorable
Ordinance 2012-20

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

MOTION: Authorize going out for bid: Daphne Sports Complex, Phase I

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY COMMITTEE – Boulware

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Reese

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

Review minutes / February 27th

C. Industrial Development Board – Conaway

Review minutes / February 7th

Review minutes / February 27th

D. Library Board – Lake

E. Planning Commission – Barnette

Review minutes / January 25th

a.) Set a Public Hearing date for **April 2, 2012** to consider rezoning:

Blacksher White-Spinner, etal

Location: Southwest of the intersection of U.S. Highway 90 and County Road 13

Present Zoning: R-3, High Density Single Family Residential District

Proposed Zoning: B-1, Local Business

Recommendation: Failed to set forth a favorable recommendation / A super majority vote is needed for a favorable recommendation, and the vote was five (5) affirmative - one (1) dissenting

F. Recreation Board – Reese

G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) ABC License / Benedetto / 040 – Retail Beer (On or Off Premises / 060 – Retail Table Wine (On or Off Premises
- b.) ABC License / Bayside Academy / 140 Special Events Retail
- c.) ABC License / Southern Napa / 040 – Retail Beer (On or Off Premises / 060 – Retail Table Wine (On or Off Premises
- d.) ABC License / Pour Nelsons Pub / 010 – Lounge Retail Liquor – Class I

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Streets / Brookhaven Subdivision, Unit Two, Part A. /Resolution 2012-15
- b.) Authorize the Mayor to Execute a Warrant Purchase Agreement Between the City and Gardnyr Michael Capital with Respect to the Series 2012 Warrants. /Resolution 2012-16
- c.) Set Public Hearing for Codification of Ordinances. /Resolution 2012-17
- d.) Prepaid Travel / Lake / Cohen / Conaway /Resolution 2012-18
- e.) Authorize to Apply for the AL Transportation & Improvement Program Grant /Resolution 2012-19
- f.) Authorize Sending out RFP’s to Banks & Bond Companies for the Refinancing of the 2006 Series Warrants. /Resolution 2012-20

ORDINANCES:

2nd READ

- a.) Consenting to the Lease of Certain Property by the Utilities Board of the City of Daphne. / Ordinance 2012-11
- b.) Other Personnel Cost: Building Maintenance /Ordinance 2012-12
- c.) Appropriation of Funds: Additional Audit/CPA Services /Ordinance 2012-13
- d.) Appropriation of Funds: Bonding / Deputy Finance Director /Ordinance 2012-14
- e.) Appropriation of Funds: Community Contribution BARC / (Baldwin County Humane Society. /Ordinance 2012-15

- f.) **Appropriation of Funds: US 98 & Whispering Pines Road Intersection Improvements (*Turn Lanes & Signalization*/Ordinance 2012-16**
- g.) **Mandatory Sewer Hookup within the City of Daphne...../Ordinance 2012-17**
- h.) **Appropriation of Funds: (4) Police Vehicle Replacements...../Ordinance 2012-18**

IST READ

- i.) **Amendment to the Land Use & Development Ordinance / Revisions to Zoning Map...../Ordinance 2012-19**
- j.) **Annexation: Woodrow Lane Right-of-Way...../Ordinance 2012-20**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILWOMAN CONAWAY	PRESENT__	ABSENT__	__
COUNCILWOMAN BARNETTE	PRESENT__	ABSENT__	
COUNCILMAN LAKE	PRESENT__	ABSENT__	__
COUNCILMAN REESE	PRESENT__	ABSENT__	__
COUNCILMAN SCOTT	PRESENT__	ABSENT__	__
COUNCILMAN BOULWARE	PRESENT__	ABSENT__	__
COUNCILMAN PALUMBO	PRESENT__	ABSENT__	__

MAYOR

MAYOR YELDING	PRESENT__	ABSENT__	__
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CITY CLERK:

DAVID L. COHEN	PRESENT__	ABSENT__	__
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CITY ATTORNEY:

CITY ATTORNEY JAY ROSS	PRESENT__	ABSENT	
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MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**FEBRUARY 20, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Reese.

COUNCIL MEMBERS PRESENT: Tommie Conaway; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: Mayor Yelding; David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney Adrienne Jones, Planning Director; Richard Johnson, Publics Works Director; Tonja Young, Library Director; Christine Ciancetta, Deputy Finance Director; Richard Merchant, Building Official; Vickie Hinman, Human Resources Director; Officer Stacey DeBein, Police Department; Captain Danny Bell, Police Department; Battalion Chief Joey Holasz, Fire Department; Willie Robison, BZA; Dorothy Morrison, Beautification Committee.

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

3. APPROVE MINUTES

MOTION BY Councilwoman Conaway to adopt the February 6, 2012 Council meeting minutes. Seconded by Councilwoman Boulware.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt the February 13, 2012 Council Work Session minutes. Seconded by Councilman Scott.

AYE Conaway, Lake, Reese, Scott, Boulware, Barnette ABSTAIN Palumbo

NAY NONE OPPOSED MOTION CARRIED

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

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

FEBRUARY 20, 2012
REGULAR CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.

MOTION: Renew Liability Insurance:

MOTION BY Councilman Boulware to renew the annual property liability insurance policy with Robertson Insurance Agency, Inc., and lock in the rates for three (3) years in order to receive a discount. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to suspend the Council Rules of Procedure to add an ordinance appropriating funds for the purchase of four (4) vehicles to the agenda so that it will be a first read. *Seconded by Councilman Reese.*

The ordinance number will be Ordinance 2012-18.

The City Attorney stated that the motion would need a $\frac{2}{3}$ majority vote to pass.

ROLL CALL VOTE

Conaway	Aye	Boulware	Aye
Lake	Nay	Palumbo	Aye
Reese	Aye	Barnette	Nay
Scott	Aye		

AYE Conaway, Reese, Scott, Boulware, Palumbo NAY Lake, Barnette

MOTION CARRIED

MOTION BY Councilwoman Conaway to suspend the Council Rules of Procedure to add the ordinances appropriating funds for an Asphalt Hotbox Reclaimer Trailer Unit, / \$33,645 / Roller Compactor – Tow Behind \$20,030 / Mechanical Service Truck w/crane \$57, 766 / 8-10 Yard Dump Truck \$85, 998, and Resolutions awarding the bids. *Seconded by Lake.*

AYE Conaway, Scott NAY Lake, Reese, Boulware, Palumbo, Barnette

MOTION FAILED

Treasurers Report:

MOTION BY Councilman Boulware to accept the Treasurers Report as of January 31, 2012 in the amount of \$20,925,561.84. *Seconded by Councilman Lake.*

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Sales Tax Reports:

Sales and Use Tax Collected for December 2011 - \$1,168,627
Sales and Use Tax Budgeted for December 2011 - \$1,144,856
Over Budget (for December) - \$ 23,771

YTD Budget Collections Variance – Over Budget - \$79,402

Lodging Tax Collections, December 2011:

The Lodging Tax Collections report shows \$42,279 collected for December, 2011

The next meeting will be March 12th at 4:00 p.m. in the Executive Conference Room.

B. BUILDINGS AND PROPERTY COMMITTEE – Lake
No report.

C. PUBLIC SAFETY COMMITTEE – Boulware
No report. The next meeting will be the 2nd Wednesday of March.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware
No report. The next meeting will be the 2nd Wednesday of March.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Conaway
The minutes for the January 17th meeting are in the packet. The committee met today before the council meeting, and the minutes will be in the next packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
No report.

B. Downtown Redevelopment Authority – Barnette
The next meeting will be February 27th at 5:30 p.m.

FEBRUARY 20, 2012
REGULAR CITY COUNCIL MEETING
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4

C. Industrial Development Board – Conaway

The board had a special called meeting on February 2nd to discuss a call center that wants to locate in Daphne, and the board decided that they needed more information before making any decisions.

D. Library Board – Lake

No report. The next meeting will be March 1st at 4:30 at the Library.

E. Planning Commission – Barnette

The Planning Commission will meet Thursday at 5:00 p.m. in the Council Chambers.

F. Recreation Board - Reese

No report.

G. Utility Board – Scott

The next meeting will be the last Wednesday of the month

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

a.) Parade Permit / Lupus Foundation / Fund Raiser / March 17, 2012

MOTION BY Councilman Boulware to approve the Parade Permit for the Lupus Foundation / Fund Raiser / March 17, 2012. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney Report

No report.

C. Department Head Comments:

Richard Johnson – Public Works Director – thanked all the Public Works and Public Safety personnel for an excellent and safe Mardi Gras Parade season. Despite uncooperative weather the crowds were good and he hopes everybody had a good time. He reminded everyone that the city is closed tomorrow for Fat Tuesday, and normal Tuesday garbage and recycling will be picked up on Wednesday, February 22nd. There will be no makeup day for trash (yard debris). Next Saturday is Arbor Day, and the Beautification Committee and Grounds Department Tree Giveaway will be Saturday, February 25th from 9:00 a.m. until the trees are gone. This will be at the Daphne Civic Center Concourse.

Christine Ciancetta – Deputy Finance Director – reported that she has spent significant amount of time over the previous week working with Public F.A. Inc. in order for them to have the information

necessary to formulate their Official Opinion regarding the Bond and RFP Process. She also has been working with the National Auction and their Attorney, Benton Lipscomb, regarding the Renaissance Center LLC auction. The collaboration ensured that, as a result of the auction, any closing documentation prepared for potential new buyers will include the 2009 Sewer Assessment obligations owed on those properties to the City of Daphne over the next seven years.

Captain Danny Bell – Police Department – seconded Mr. Johnson’s comments regarding the Mardi Gras Parade season saying it was very successful.

7. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – spoke in opposition to Ordinances 2012-07, 2012-08 and 2012-09 regarding council salary.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

- a.) **Appoint Enoch Toler to the Board of Directors of the Special Care Facilities Financing Authority of the City of Daphne /Resolution 2012-06**
- b.) **Bid Award / Oil & Lube. /Resolution 2012-07**
- c.) **Bid Award / US 98 & Whispering Pines Intersection Improvements / (Turn Lanes & Signalization). /Resolution 2012-08**
- d.) **Bid Award / Disaster Debris Removal & Disposal Services. /Resolution 2012-09**
- h.) **Declare Certain Property Surplus & Authorize Disposal. /Resolution 2012-10**
- i.) **Safe Route to Schools Grant. /Resolution 2012-11**
- j.) **Authorize the Mayor to Execute A Warrant Purchase Agreement Between the City & Gardnyr Michael Capital with Respect the Series 2012 Warrants. /Resolution 2012-12**
- k.) **AL Coastal Area Management Program 306A Public Access Grant. /Resolution 2012-13**
- l.) **AL Coastal Planning Projects Grant. /Resolution 2012-14**

MOTION BY Councilman Scott to waive the reading of Resolutions 2012-06, 2012-07, 2012-08, 2012-09, 2012-10, 2012-11, 2012-12, 2012-13 and 2012-14. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-06. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt of Resolution 2012-07. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-08. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-09. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-10. *Seconded by Councilwoman Conaway.*

AYE Conaway, Reese, Scott, Boulware, Palumbo, Barnette NAY Lake

MOTION CARRIED

MOTION BY Councilman Scott to adopt Resolution 2012-11. *Seconded by Councilman Reese.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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MOTION BY Councilman Scott to adopt Resolution 2012-12. *Seconded by Councilman Lake.*

ROLL CALL VOTE

Conaway	Abstain	Boulware	Nay
Lake	Aye	Palumbo	Nay
Reese	Nay	Barnette	Abstain
Scott	Aye		

AYE Lake, Scott NAY Reese, Boulware, Palumbo ABSTAIN Conaway, Barnette

MOTION FAILED

MOTION BY Councilman Boulware to adopt Resolution 2012-13. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2012-14. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2ND READ

- a.) **Amend Personnel Handbook / Transitional Duty...../Ordinance 2012-01**
- b.) **Establish Protocol for the Appropriation of Funding for
 Outside Agencies/Ordinance 2012-06**
- c.) **Amend Ordinance 2008-16 / Council Salary / Option A...../Ordinance 2012-07**
- d.) **Amend Ordinance 2008-16 / Council Salary / Option B...../Ordinance 2012-08**
- e.) **Amend Ordinance 2008-16 / Council Salary / Option C...../Ordinance 2012-09**
- f.) **Amend Ordinance 2008-17 / Mayor Salary...../Ordinance 2012-10**
- g.) **Consenting to the Lease of Certain Property by the
 Utilities Board of the City of Daphne...../ Ordinance 2012-11**
- h.) **Other Personnel Cost: Building Maintenance...../Ordinance 2012-12**

MOTION BY Councilman Scott to adopt Ordinance 2012-10. *Seconded by Councilman Palumbo.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ordinances 2012-11, 2012-12, 2012-13, 2012-14, 2012-15, 2012-16, 2012-17 and 2012-18 were made 1st Read.

8. COUNCIL COMMENTS

Mayor Yelding concurred with Mr. Palumbo's comments on the suspension of rules. He said that they have been flip-flopping. He can remember distinctly in 2011 when he was on council that the vote had to be unanimous to suspend the rules. Now in 2012 the city attorney says something about $\frac{2}{3}$ vote. Is that because he is doing something for somebody that wants something? He said he has a problem with that. He said in regard to the Gardnyr Michael situation that it was going superb, and they had the train derailed by one person, and they have not been able to put that train back on track. It looks like everybody that is a part of this is pulling to keep the train off the track, but if they are going to run for city council they will remember that this is the day that the city stood still, because they were not doing anything. They are delaying the refinancing of this bond at the lowest possible rates in the history of the United States of America, and to be honest with them the city attorney is making financial decisions for the city now. He thought that they had the attorney as legal counsel not as a financial advisor, and this is what they are turning to, and everybody is buying into. Things that they know are not right.

Councilman Palumbo gave his time to the city attorney to explain how an expenditure of \$380,000 according to council rules is not something of a permanent nature, and why all of a sudden they do not need, and he voted for both of the measures it was not a question that he was trying to block them, but the question is raised on procedure, and what it means and what it doesn't mean. He is referring specifically to rule XIX.

Mr. Ross said that he took a quick look at the rules before the meeting and had a brief discussion with Mr. Cohen and Mrs. Barnette. His original thought was if they were going to vote on an ordinance tonight that was not on the agenda then clearly it would take a suspension of the rules to consider that ordinance for the first time. That was his thought pattern as to how they got to where they are tonight. He did review section XVII of the rules that council may suspend the vote by a measure of $\frac{2}{3}$ of the members present to bring it up in the fashion they did. He said there were a couple of things in Mr. Palumbo's comments to cause him to think about it. He is not 100% sure he is right and he is not 100% sure he is wrong. Mrs. Barnette disagrees with Mr. Ross. He asked to be allowed to reflect on it and do a little bit more homework, and he will give an answer to council on Wednesday. He is not for or against what the council does only to try to give the best legal advice on a procedure to get there.

Councilman Boulware stated that his interest in having the police department vehicles on the agenda was based on a real and present need to have vehicles that are in shape to respond to emergencies. He said that he was advised when he first came on council to vote his conscience, and he is not going to apologize for voting his conscience. He feels he is doing what he was elected to do. He hopes everyone had a happy Mardi Gras.

Councilman Scott commented on a statement made earlier by Mr. Boulware that before they consider the capital budget they need hard numbers on what is in reserve. The problem with that is they did not receive the 2010 audit financial statements until September 2011, and they cannot wait until September to get an audit statement before considering the capital budget. They will have to rely on the financial staff and accept a semi-hard number of what is left in reserve. They need to know what the numbers are in order to determine where these expenditures are going come. As for borrowing the \$3 million they can't borrow long-term bond money except for those things that is going to have a life as long as the loan so they are going to have to use bond money for roads or other long-term infrastructure. They cannot use it to buy squad cars or Public Works equipment. Councilman Scott thinks that the council Rules of Procedure says it has to be a unanimous consent if it involves spending dollars or if the ordinance is of a permanent nature, and when they make a motion to consider an ordinance where no money is being spent a that meeting he thinks it is a $\frac{2}{3}$ vote. Unanimous consent is needed where you have a two (2) read situation, and council is going to pass the ordinance that night, then you need unanimous consent.

Councilman Reese requested that council redraft Section XIX of the Rules of Procedure so it is crystal clear.

Councilman Lake commented on an article in the Saturday newspaper clarifying that the problem he had was not compensation, his problem was with the misinformation regarding insurance coverage for council, and that four (4) years ago they were told that council could not be insured with Blue Cross/Blue Shield, and they made their decision based on that misinformation. He feels that the longer council delays on the refinancing of the bonds that the city will be losing \$500 per day in interest, and that they will not be saving as much as they could because interest rates will be going up.

Councilwoman Conaway stated that she has to vote her conscience also, and hopefully, she will make the right decisions. She will put forth the effort to learn all that she can.

Council President Barnette stated that she looks forward to receiving the information on suspension of the rules. She said the first time she heard about adding the ordinance to the agenda was one hour before the meeting. She said not one person called her last week regarding adding it to the agenda, and all it would have taken was one call to avoid what they went through tonight. Council needs to look long and hard at a better way of utilizing the Finance Committee. She apologized that the ordinance was not on the agenda, but she thought she was following the will of the council when they said they wanted to consider all the capital requests together at one time and not piece mill them.

**FEBRUARY 20, 2012
REGULAR CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

9. ADJOURN

MOTION BY Councilwoman Conaway to adjourn. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 8:12 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

PUBLIC HEARING

MARCH 5, 2012

- 1.) Amending the Land Use & Development Ordinance /
Revisions to Zoning Map / Edits / July 1, 2011 – January 1, 2012

- 2.) Annexation: Woodrow Lane Right-of-Way
Location: Woodrow Lane from AL Highway 181 to
the unimproved portion of Woodrow Lane

Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: January 27, 2012

MEMORANDUM

At the January 26, 2012, regular meeting of the City of Daphne Planning Commission, five members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned revision to the zoning map.

Attached please find said documentation for placement on the Monday, February 6, 2012 City Council agenda to set the public hearing for Monday, March 5, 2012.

The Ordinance will be provided by the City Attorney's office.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Zoning Map Six-Month Report (Copy/Digital)
2. Zoning Map (Display)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 - ____**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinances No. 2011-20 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they

conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

PLEASE Publish in the Bulletin Legal Section on Friday,
February 10, 2012.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 5, 2012 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 -**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

PLEASE Publish in the Bulletin Legal Section on Friday, February 17, 2012

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on February 10, 2012, that the City Council of the City of Daphne will hold a Public Hearing on March 5, 2012 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen, City Clerk, MMC

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 -**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

/END SYNOPSIS

BULLETIN LEGALS

Bulletin Legals

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 5, 2012 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance / Revision to Zoning Map. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

David L. Cohen,
City Clerk, MMIC
**PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 -
Zoning District Map
Revision to the City of Daphne
Land Use and
Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I:

ZONING DISTRICT MAP
The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER
Ordinances No. 2011-20 is hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III:

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

**ADOPTED AND APPROVED
BY THE CITY COUNCIL OF
THE CITY OF DAPHNE, ALA-
BAMA ON THE DAY
OF**

2012.
CATHY S. BARNETTE,
COUNCIL PRESIDENT
BAILEY YELDING, JR.,
MAYOR

ATTEST:
DAVID L. COHEN,
CITY CLERK, MMIC

The Bulletin
February 10, 2012

BULLETIN LEGALS

Bulletin Legals

SECOND NOTICE OF PUBLIC HEARING

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David L. Cohen,
City Clerk, MMC
PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 -
Zoning District Map
Revision to the City of Daphne
Land Use and Development
Ordinance

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

END SYNOPSIS

The Bulletin
February 17, 2012

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: The Right-of-Way of Woodrow Lane from
Alabama Highway 181 to the unimproved
portion of Woodrow Lane into the
Corporate Limits of the City of Daphne
Annexation Review
Date: January 13, 2012

LOCATION: Woodrow Lane from Alabama Highway 181 to the unimproved portion of Woodrow Lane

RECOMMENDATION: At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a *favorable recommendation* of the above-mentioned annexation.

The appropriate documentation and action of the Planning Commission has been provided to the City Attorney for the preparation of the ordinance. Upon receipt of said ordinance, please place on the appropriate City Council agenda to set a public hearing.

Thank you,
ADJ/jd

cc: file
Richard Johnson, Public Works Director
Ross, Jordan & Gray

attachment(s)

1. ALDOT letter(s) 1/6/2012, 12/14/2011, and 11/28/2011
2. Planning Report
3. Baldwin County letter 8/12/11
4. Public Works Report 7/26/11
5. Maps
6. Miscellaneous Land Records
7. Ordinance (City Attorney)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2012-_____**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAYS OF WOODROW LANE
LOCATED ADJACENT TO INTERSTATE 10 AND WEST OF ALABAMA STATE
HIGHWAY 181**

WHEREAS, on the 6th day of January, 2012, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Lee Reach, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of roadway maintenance; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of August 25, 2011, forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and

WHEREAS, after proper publication, a public hearing was held on March 5, 2012, 2012, by the City Council of the City of Daphne concerning said letter for annexation; and

WHEREAS, the City Council of the City of Daphne determine it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975);

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

SECTION I: ANNEXATION

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory heretofore encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME: Rights-of-Way of Woodrow Lane located adjacent to Interstate 10
and west of Alabama State Highway 181.

DESCRIPTION:

Said tract of land lying in Section 27, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 12.55 acres, more or less. Being more particularly described as beginning at a point which is 250 feet Northwesterly of and at right angles to the centerline of project No. I-10-1(19) at station 568+52.44; thence N 0°-26'-24" W, a distance of 80.80 feet; thence N 81°-32'-36" E, a distance of 836.24 feet; thence N 84°-08'-45" E, a distance 1101.14 feet; thence N 77°-24'-50" E, a distance of 1027.70 feet; thence N 76°-54'-26" E, a distance of 486.48 feet; thence N 86°-01'10" E, a distance of 1127.46 feet; thence N 63°-39'-11" E, a distance of 437.02 feet; thence N 31°- 55' -53.5" E, a distance of 170.17 feet; thence N 0°-12'-36" E, a distance of 530.72 feet; thence N 30°-12'-36" E, a distance of 290.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 30°-12'-36" W, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 580.23 feet; thence S 31° - 55' - 53.5" W, a distance of 170.17 feet; thence S 63° - 39' - 11" W, a distance of 476.48 feet; thence S 84°-40'-01" W, a distance of 1159.77 feet; thence S 79°-14'-20" W, a distance of 481.96 feet; thence S 78°-31'-40 W, a distance of 1026.45 feet; thence S 84°-08'-45" W, a distance of 1101.14 feet; thence S 81°-32'-36" W , a distance of 847.51 feet to the point of beginning.

NAME: Strip of real property 50 feet in width and 200 feet in length, to be used as a drainage ditch.

DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 231.04 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 581+17; thence S 84°-08'-45" W, a distance of 27.47 feet; thence N 30°-21'-15" W, a distance of 200.00 feet; thence N 84°-08'-45" E, a distance of 54.94 feet; thence S 30°-21'-15" E, a distance of 200.00 feet; thence S 84°-08'-45" W , a distance of 27.47 feet to the point of beginning.

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DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 323.92 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 596+03.34; thence S 77°-24'-50" W, a distance of 27.96 feet; thence N 14°-01'-40" E, a distance of 200.00 feet; thence N 77°-24'-50" E, a distance of 55.92 feet; thence S 14°-01'-40" W, a distance of 200.00 feet; thence S 77°-24'-50" W , a distance of 27.96 feet to the point of beginning.

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DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 332.06 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 597+52.27; thence S 77°-24'-50" W, a distance of 26.16 feet; thence N 4°-31'-40" E, a distance of 200.00 feet; thence N 77°-24'-50" E, a distance of 52.32 feet; thence S 4°-31'-40" W, a distance of 200.00 feet; thence S 77°-24'-50" W , a distance of 26.16 feet to the point of beginning.

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DESCRIPTION:

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Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

SECTION II: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
DAPHNE COUNCIL PRESIDENT**

**BAILEY YELDING, Jr.,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

PLEASE Publish in the Bulletin Legal Section on Friday, February 10, 2012

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on March 5, 2012 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:

CITY OF DAPHNE, ALABAMA
ORDINANCE 2012-

AN ORDINANCE TO ANNEX THE RIGHT OF WAYS OF WOODROW LANE LOCATED ADJACENT TO INTERSTATE 10 AND WEST OF ALABAMA STATE HIGHWAY 181

WHEREAS, on the 6th day of January, 2012, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Lee Reach, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of roadway maintenance; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of August 25, 2011, forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and

WHEREAS, after proper publication, a public hearing was held on March 5, 2012, by the City Council of the City of Daphne concerning said letter for annexation; and

WHEREAS, the City Council of the City of Daphne determine it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975);

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

SECTION I: ANNEXATION

PLEASE Publish in the Bulletin Legal Section on Friday, February 17 2012

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David L. Cohen, City Clerk, MMC

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**CITY OF DAPHNE, ALABAMA
ORDINANCE 2012-**

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/END SYNOPSIS

BULLETIN LEGALS

Bulletin Legals

ORDINANCE 2012.
AN ORDINANCE TO ANNEX
THE RIGHT OF WAYS OF
WOODROW LANE LOCATED
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10 AND WEST OF ALABAMA
STATE HIGHWAY 181

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NAME:
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DESCRIPTION:
 Said tract of land lying in Section 27, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 12.55 acres, more or less, being more particularly described as beginning at a point which is 250 feet Northwesterly of and at right angles to the centerline of project No. I-10-119) at station 568+52.44; thence N 0°-26'-24" W, a distance of 80.80 feet; thence N 81°-32'-36" E, a distance of 836.24 feet; thence N 84°-08'-45" E, a distance 1101.14 feet; thence N 77°-24'-50" E, a distance of 1027.70 feet; thence N 76°-54'-26" E, a distance of 486.48 feet; thence N 86°-01'-10" E, a distance of 1127.46 feet; thence N 63°-39'-11" E, a distance of 437.02 feet; thence N 31°-55'-53.5" E, a distance of 170.17 feet; thence N 0°-12'-36" E, a distance of 430.72 feet; thence N 30°-12'-36" E, a distance of 290.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 30°-12'-36" W, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 580.23 feet; thence S 31°-55'-53.5" W, a distance of 170.17 feet; thence S 63°-39'-11" W, a distance of 476.48 feet; thence S 84°-40'-01" W, a distance of 1159.77 feet; thence S 79°-14'-20" W, a distance of 481.96 feet; thence S 78°-31'-40" W, a distance of 1026.45 feet; thence S 84°-08'-45" W, a distance of 1101.14 feet; thence S 81°-32'-36" W, a distance of 847.51 feet to the point of beginning.

NAME:
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Bulletin Legals

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Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

SECTION II:

PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

SECTION III:

SEVERABILITY

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

SECTION IV:

EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE DAY OF

CATHY BARNETTE
 DAPHNE COUNCIL

PRESIDENT
 BAILEY YELDING, JR.

MAYOR
 ATTEST:

DAVID COHEN
 CITY CLERK, MMC

The Bulletin
 February 10, 2012

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David L. Cohen,
 City Clerk, MMC

PROPOSED ORDINANCE:
 CITY OF DAPHNE, ALABAMA

BULLETIN LEGALS

Bulletin Legals

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David L. Cohen,
City Clerk, MMC

PROPOSED ORDINANCE: CITY OF DAPHNE, ALABAMA ORDINANCE 2012

AN ORDINANCE TO ANNEX THE RIGHT OF WAYS OF WOODROW LANE LOCATED ADJACENT TO INTERSTATE 10 AND WEST OF ALABAMA STATE HIGHWAY 101

WHEREAS, on the 6th day of January, 2012, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Lee Reach, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of roadway maintenance; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of August 25, 2011 forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and

WHEREAS, after proper publication, a public hearing was held on March 5, 2012, by the City Council of the City of Daphne concerning said letter for annexation; and

END SYNOPSIS

The Bulletin
February 17, 2012



Robert Bentley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

NINTH DIVISION
OFFICE OF DIVISION ENGINEER
1701 I-65 WEST SERVICE ROAD N
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
Transportation Director

January 6, 2012

Mayor Bailey Yelding, Jr.
City of Daphne
P. O. Box 400
Daphne, Alabama 36526

Dear Mayor Yelding:

RE: Right-of-Way Annexation Request
Woodrow Lane
City of Daphne

The Ninth Division has no objections to the City of Daphne annexing the rights-of-way of Woodrow Lane, located adjacent to I-10 and west of SR 181, as shown on the attached map.

Should you have any questions or need additional information, please advise.

Sincerely,

Lee Reach, P.E.
Division Maintenance Engineer

LR/bja
Attachments
c: File



Robert Bentley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION
1409 Coliseum Boulevard, Montgomery, Alabama 36110



John R. Cooper
Transportation Director

December 14, 2011

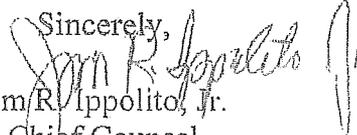
Mr. Vincent E. Calametti, P.E.
ALDOT Ninth Division Engineer
1701 I-65 West Service Road N
Mobile, Alabama 36618-1109

RE: Right-of-Way Annexation Request
Woodrow Lane
City of Daphne

Dear Vince:

I am in receipt of your letter request dated November 28, 2011 in reference to the above matter and I concur in your request.

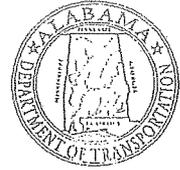
Thank you for your cooperation and assistance.

Sincerely,

Jim R. Ippolito, Jr.
Chief Counsel

JRIJr/lbw



ALABAMA DEPARTMENT OF TRANSPORTATION
 NINTH DIVISION
 OFFICE OF DIVISION ENGINEER
 1701 I-65 WEST SERVICE ROAD N
 MOBILE, ALABAMA 36618-1109
 TELEPHONE: (251) 470-8200
 FAX: (251) 473-3624



Robert Bentley
 Governor

John R. Cooper
 Transportation Director

November 28, 2011

Mr. Jim Ippolito
 Chief, Legal Bureau
 Alabama Department of Transportation
 1409 Coliseum Boulevard
 Montgomery, Alabama 36110

2011 DEC -5 A 11:28

Dear Mr. Ippolito:

Re: Right-of-Way Annexation Request
 Woodrow Lane
 City of Daphne

The Ninth Division has no objections to the City of Daphne annexing the rights-of-way of Woodrow Lane, located adjacent to I-10 and west of SR 181, as shown on the attached map.

Should you have any questions or need additional information regarding this matter, please advise.

Sincerely,

Vincent E. Calametti, P.E.
 Division Engineer

VEC/LR/bja
 c: File

Planning Commission



Public Works Committee Annexation Request--Woodrow Lane

August 2011 Planning Report

COMMUNITY DEVELOPMENT

Public Works Committee Action Item-Woodrow Lane Annexation

Excerpt from E-mail regarding this item...

“Community Development has no records indicating that Woodrow Lane is in the City limits. To the contrary, our source from Baldwin County, John Taylor, has determined that it is questionable and the question should be posed to the State. On May 31, 2011, Cal Markert of Baldwin County forwarded a request to have the City of Daphne consider taking over maintenance and control of Woodrow Lane (attached). On July 18th the Public Works’ Committee determined it appropriate to pursue the matter. In an effort to facilitate the request to annex the road, I need a formal letter from the state or county that certifies their agreement to proceed with annexation. This letter must be presented to the Planning Commission along with the legal description and map.

Planning Reports will be finalized today. As this is a city –project, I will allow the item to remain on the agenda in hopes that all necessary documentation is submitted before the August 17th Site Review meeting. If presented after that date, the Commission may elect to postpone the item until another meeting.”

Full correspondence included on the following pages.

Jan Dickson

From: DirectorPW <directorpw@bellsouth.net>
Sent: Tuesday, July 26, 2011 3:41 PM
To: Bailey Yelding; Councilwoman Barnette; Councilman Lake; Mayor Fred Small
Cc: 'Jane Robbins'; 'Kim Briley'; Suzanne Henson; Adrienne Jones; Jan Dickson; 'Jaye Robertson'; David Cohen; Becky; Cal Markert; Buck Conaway; Candice Bishop; Denise Penry; Duke Crutchfield; Dwayne Coley; Dwayne Coley; Frank Barnett; Freddie Johnson; 'Melvin McCarley'; 'Sandi Cushway'; Tracey Miller
Subject: Public Works Committee - Notice of Action Taken - 07-26-2011
Attachments: July 26 2011 PW Committee Notice of Action Taken with Attachments.pdf

Please see attached Notice of Action Taken from today's PW Committee Meeting. Please note there are immediate actionable items for the following departments and personnel:

Public Works Administration/Mechanical
City Engineer
Finance Department
Community Development
City Clerk

Adrienne –

1. Please see the motion concerning the naming of the Unnamed road to: Eliza Drive. The PW Committee felt strongly that roads of this type should be named after residents of the community served. Miss Eliza was a longtime resident of the community and was well known to all who lived in the area.
2. Woodrow Lane – Can you verify if it is already in the corporate limits, if not we will need to included annexation in any request and consideration. I will ask the County Engineer for a legal description.

Thanks,

RDJ

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

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

directorpw@bellsouth.net

Adrienne Jones

From: Adrienne Jones [ajonesdpln@bellsouth.net]
ent: Friday, August 12, 2011 2:03 PM
To: 'DirectorPW'
Cc: 'Assistant PW'; 'jandplcr@bellsouth.net'
Subject: RE: Woodrow Lane Annexation Request
Attachments: Public Works Committee - Notice of Action Taken - 07-26-2011

Richard,

In the event that you should need to forward this to the Public Works Committee as an update, this message is framed in response to your original e-mail on July 16, not necessarily the conversations we've had between then and now...

Community Development has no records indicating that Woodrow Lane is in the City limits. To the contrary, our source from Baldwin County, John Taylor, has determined that it is questionable and the question should be posed to the State. On May 31, 2011, Cal Markert of Baldwin County forwarded a request to have the City of Daphne consider taking over maintenance and control of Woodrow Lane (attached). On July 18th the Public Works' Committee determined it appropriate to pursue the matter. In an effort to facilitate the request to annex the road, I need a formal letter from the state or county that certifies their agreement to proceed with annexation. This letter must be presented to the Planning Commission along with the legal description and map.

Planning Reports will be finalized today 8/12/11. As this is a city -project, I will allow the item to remain on the agenda in hopes that all necessary documentation is submitted before the August 17th Site Review meeting. If presented after that date, the Commission may elect to postpone the item until another meeting.

Take Care

Adrienne

From: Adrienne Jones [mailto:ajonesdpln@bellsouth.net]
Sent: Wednesday, August 10, 2011 11:49 AM
To: 'DirectorPW'
Subject: RE: Woodrow Lane Annexation Request

Great. Call me when u get a chance--thanks

From: DirectorPW [mailto:directorpw@bellsouth.net]
Sent: Wednesday, August 10, 2011 11:50 AM
To: 'Adrienne Jones'
Subject: RE: Woodrow Lane Annexation Request

Hope to have it today.

RDJ

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

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

directorpw@bellsouth.net

From: Adrienne Jones [<mailto:ajonesdpln@bellsouth.net>]
Sent: Wednesday, August 10, 2011 11:08 AM
To: 'DirectorPW'; 'Assistant PW'
Subject: RE: Woodrow Lane Annexation Request

Last question on this one, I hope---how long do you think the turnaround will be on the letter? I'd like to include it with reports (will finalize on Friday).

Aj

From: DirectorPW [<mailto:directorpw@bellsouth.net>]
Sent: Tuesday, August 09, 2011 3:12 PM
To: 'Adrienne Jones'; 'Assistant PW'
Subject: RE: Woodrow Lane Annexation Request

I working on one from the county.

Thanks,

RDJ

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

Phone: (251) 621-3182
Fax: (251) 621-3189

Cell: (251) 379-1305

directorpw@bellsouth.net

From: Adrienne Jones [<mailto:ajonesdpln@bellsouth.net>]
Sent: Tuesday, August 09, 2011 2:30 PM
To: 'DirectorPW'; 'Assistant PW'
Subject: Woodrow Lane Annexation Request

Richard,

Do we have a letter from ALDOT similar to the Highway 181 annexation request saying they have no problem with the request to annex? If so please forward a copy, otherwise I believe for the sake of consistency we need to have it before the Planning Commission makes a recommendation to Council on it.

Thanks

Adrienne

Adrienne Jones | Director | City of Daphne, AL

Department of Community Development |

☎ phone: 251.621.3184 | ☎ fax: 251.621.3185

DirectorPW

From: Cal Markert <CMarkert@baldwincountyal.gov>
Sent: Tuesday, May 31, 2011 2:23 PM
To: mayorsmall@bellsouth.net; Richard Johnson (directorpw@bellsouth.net)
Subject: Woodrow Lane

Richard,

Would you please consider taking over maintenance and control of Woodrow Lane. I had suggested this in previous emails but thought I would see if you could make it happen.

Let me know if you need anything from me.

Thanks
Cal



BALDWIN COUNTY

HIGHWAY DEPARTMENT

P.O. Box 220

SILVERHILL, ALABAMA 36576

TELEPHONE: (251) 937-0371

FAX (251) 937-0201

*CAL MARKERT, P.E.
COUNTY ENGINEER*

August 12, 2011

Richard Johnson
Public Works Director
City of Daphne
P. O. Box
Daphne, Alabama 36526

Re: Woodrow Lane

Mr. Johnson:

The Baldwin County Commission requested me to ask the City of Daphne to take Woodrow Lane for maintenance. The Highway Department consents to the City of Daphne taking over Woodrow Lane as a city street.

If you need additional information please let me know.

Sincerely,

Cal Markert, P.E.
County Engineer

CM/dm
File

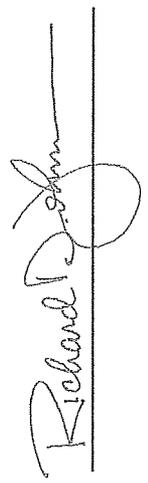
08-18-11 P03:52 IN

City of Daphne – Public Works Committee

Meeting Date: July 26, 2011

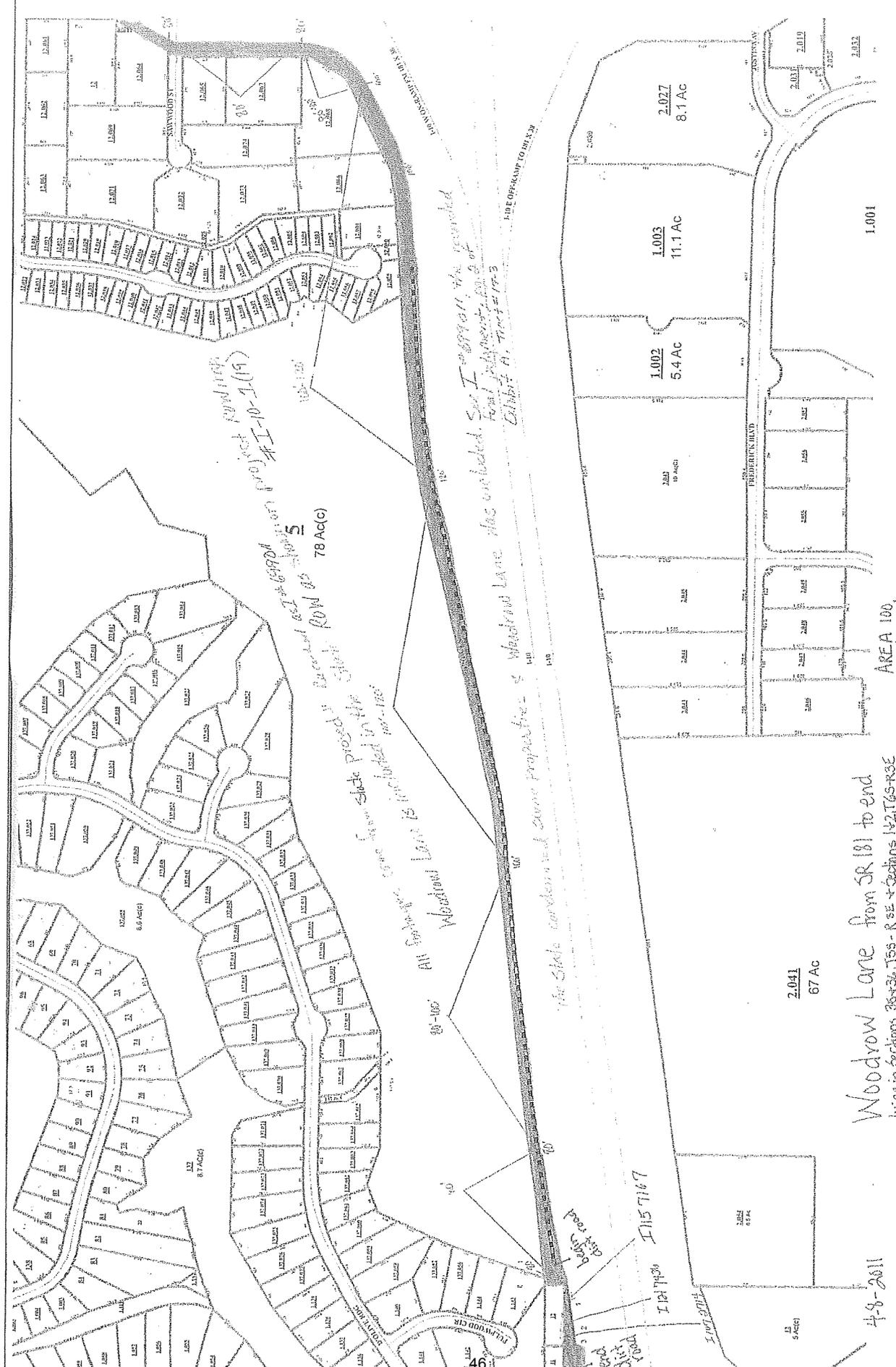
Notice of Action Taken

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
III.E.	Santa Rosa/Old County Road Drainage	To meet with BCBOE Facility Manager to discuss BOE cooperation in the solution to the drainage problems – to report back at a future PWC meeting.	PW Director & City Engineers	PW Director & City Engineers	Brought up from the floor under Old Business from Councilwoman Bannette in the form of additional follow up and follow through.
IV.A.	Tree Removal – Van Avenue (Request for recommendation to send to Finance Committee)	Motion Passed	Finance Department	Finance Staff	Background and low bid attached. Ordinance to appropriate and award work to Spotswood's Tree Service, Inc. in the amount of \$2,175.00.
IV.B.	Woodrow Lane Request to Accept Maintenance from Baldwin County (May require annexation of all or part of ROW)	Motion Passed – Rec. to Planning Commission for consideration and recommendation to City Council.	Community Development	Director of Community Development & PW Director	PW Director will request legal description from the office of the County Engineer and forward to CD. DCD will place on next Planning Commission Agenda
IV.C.	Capital Budget Request for two (2) F150 Ford Trucks to replace Street Department and Solid Waste Department Supervisor's trucks	Motion Passed – Approved PW Staff to solicit bids for two (2) F150 Ford Trucks (with local dealer bid provisions) and recommend to Finance Committee the required Appropriation post bids.	Finance Department	Finance Staff PW Mechanical Supervisor PW Superintendent	PW Mechanical/Admin will provide "bid ready" specifications to Finance Dept. to be solicited for bids. Once bids are received they will be forwarded to Finance Committee for appropriation from capital funds
IV.D.	To name Unnamed Roadway/Drainage Easement (Off Pollard Road north of Deenwood) to: Eliza Drive	Motion Passed – recommendation to Planning Commission to name the roadway Eliza Drive .	City Clerk Community Development	City Clerk Community Development	Item added to Agenda by Chairman – wants the PW Committee recommendation presented to Planning Comm. at Thursday's Meeting (07/28/2011)



Richard D. Johnson, PE; Director

July 26, 2011



Project #I-10-1(19)
 ROW AS SHOWN ON PROJECT #I-10-1(19)
 78 AC(c)

All properties on the side of Meadow Lane is included in this plat
 Meadow Lane is included in this plat

See I-10-1(19) for details
 Total project area of
 District A, Tract 1-3

The State condemned some Properties - Meadow Lane from SR 181 to end
 lying in sections 36+36, 155+R SE + sections 142, 145+R3E

AREA 100
 maintained
 0.75 MI. ASPHALT

4-9-2011
 COPY

I 115 7167

I 121 7126

I 171 8711

6 AC(c)

2.041
 67 AC

1.001

2.027
 8.1 AC

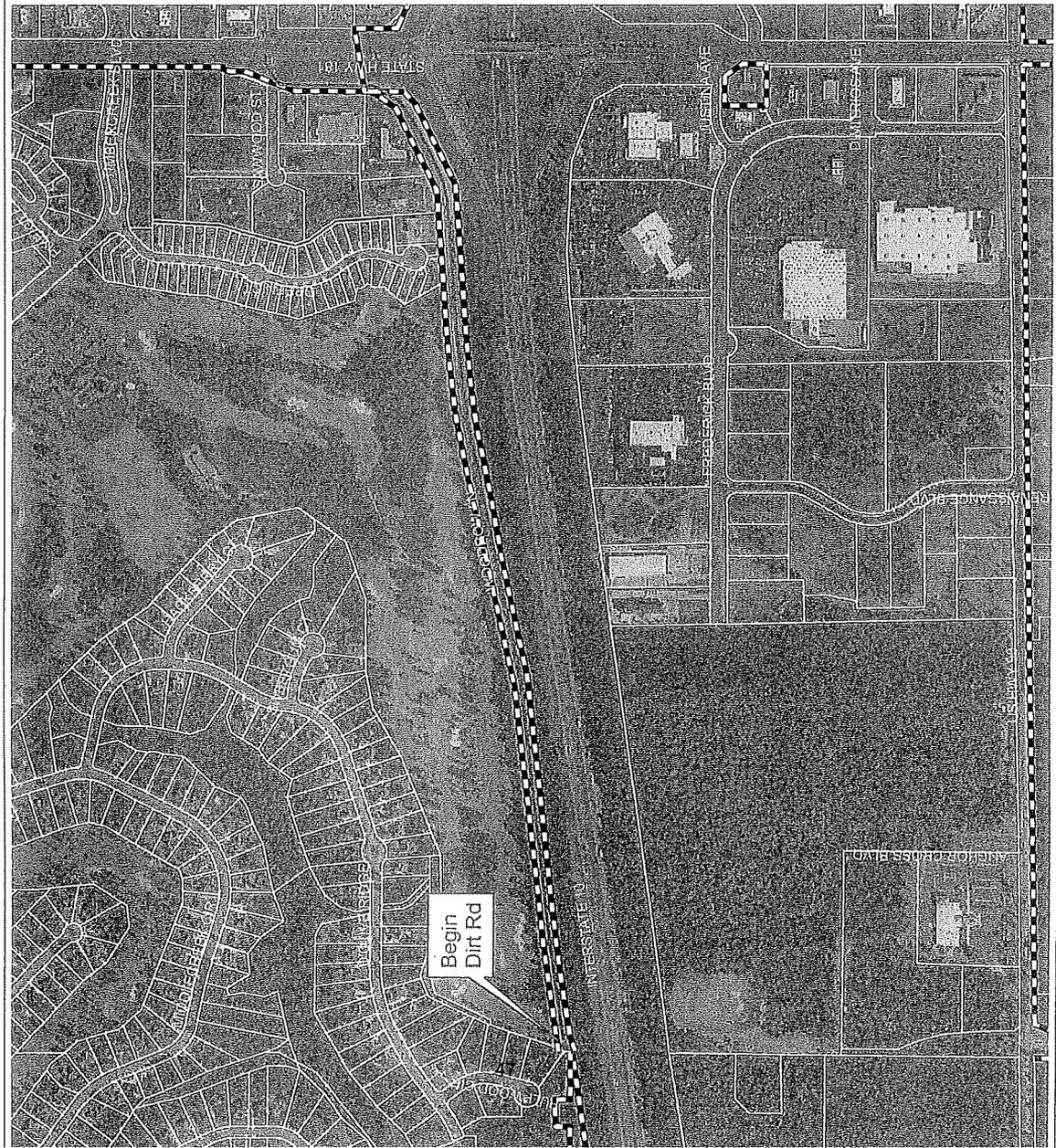
1.003
 11.1 AC

1.002
 5.4 AC

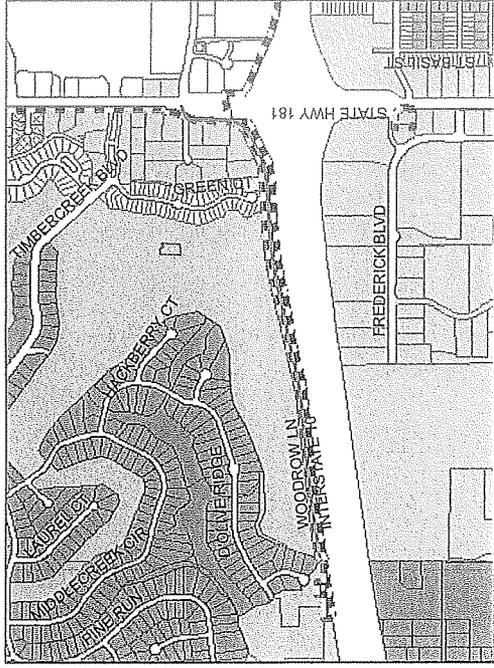
4-9-2011
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City of Daphne Community Development Administrative Presentation

August 25, 2011



WOODROW LANE Annexation



- Legend**
- CITY LIMITS
 - R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
 - R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
 - R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
 - R-4 HIGH DENSITY SINGLE & MULTIFAMILY RESIDENTIAL
 - R-5 MOBILE HOME RESIDENTIAL
 - B-1 LOCAL BUSINESS
 - B-2 GENERAL BUSINESS
 - B-3 PROFESSIONAL BUSINESS
 - CI1 COMMERCIAL/INDUSTRIAL
 - MU1 MULT-USE
 - ET JURISDICTION

The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed, or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department, Tel. # 251-621-3134



STATE OF ALABAMA,
 PETITIONER,
 VS.
 MALBIS PLANTATION, INC.-
 CORPORATED, and TRACT
 NO. 17 of PROJECT NO.
 I-10-1 (19),
 RESPONDENTS.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 CASE NO. 8790

I, Jackie N. Calhoun, as Clerk of the Circuit Court of
 Baldwin County, do hereby certify that the foregoing
 is a true and correct copy of the original of said
 and that the original of said appears on record in this
 office.
 Witness my hand and
 November
 Jackie N. Calhoun
 Clerk of Circuit Court
 Baldwin County, Alabama

FINAL JUDGMENT

This cause coming on to be heard by the Court from 8 Sept-
 ember, 1969, to 10 September, 1969, now comes the parties and
 their respective attorneys of record, and it appearing to the
 Court from the stipulation of the parties made and entered in-
 to on 8 September, 1969, and filed in this cause, that on the
 30th day of April, 1969, the State of Alabama entered into
 possession of the lands hereinafter described for the uses and
 purposes therein averred and that all acts and proceedings re-
 quired to be done or held had been performed, and that this
 cause is for trial only on and as to the valuation issue, i.e.,
 the just compensation, if any, to be paid by the Petitioner, the
 State of Alabama, to the Respondent, Malbis Plantation, Inc., a
 Corporation, for the lands or interest in lands sought to be ac-
 quired in this proceeding, and that an order of condemnation
 should be entered condemning title to the lands hereinafter de-
 scribed for the uses and purposes set forth in the application
 for condemnation, which is now on file in this Court.

699011

And now comes a jury of twelve good and lawful men, to-wit,
 George F. Smythe and eleven others, and the issue of the amount
 of damages and compensation, if any, to which Respondent Land-
 owner is entitled having been submitted to them, did return a

State of Alabama, Baldwin County
 I certify this instrument was filed
 and taxes collected on:
 2002 December -13 11: 6AM
 Instrument Number 699011 Pages 11
 Recording 33.00 Mortgage
 Deed Min Tax
 Index DP 1.00
 Archive 3.00
 Adrian T. Johns, Judge of Probate

-1-
 VIL 0 PAGE 596

verdict in words and figures as follows, to-wit:

"We the jury find in favor of the landowners, and assess the damages at \$110,000.00 plus interest."

/s/ G. Frank Smyth
Foreman

And the Court having considered all of the above is of the opinion and judgment that an order or judgment of condemnation should be entered conditioned upon the payment by the State of Alabama to the Clerk of this Court for the use and benefit of the Respondent landowners; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, as follows to-wit:

1. That the application of the State of Alabama for the condemnation of the lands, rights and construction, hereinafter described be, and the same are hereby granted, and that the property described in Exhibit "A" attached hereto, and by reference made a part thereof as though fully set forth herein, be, and the same is hereby condemned for the use by the State of Alabama as a right-of-way for a public road of limited access as set forth in the application aforesaid, and the rights therein are hereby divested out of the landowners and into the State of Alabama, upon the payment by the State of Alabama of the sums hereinafter ordered and decreed to be paid.

2. That the Respondent landowners, Malbis Plantation, Inc., a Corporation, is entitled to damages in this cause, which said sum is hereby fixed at \$110,000.00, together with interest on the said sum at the rate of six (6%) per cent per annum, commencing on 30 April, 1969, to the date on which the Respondent landowners is paid the said damages and interest by the Petitioner,

the State of Alabama; and that upon the payment of said amount by the State of Alabama to the said landowners, the condemnation of the lands hereinabove described shall be, and become effective to pass fee simple title to the said lands to the State of Alabama.

3. That the State of Alabama pay the costs of this proceeding.

DATED this 10th day of September, 1969.

J. J. Madison
CIRCUIT JUDGE
28th Judicial Circuit

Filed 9-10-69
W. J. Dick
W. J. Dick

EXHIBIT "A"

Tract No. 17

and as shown by the right of way map of Project No. I-10-1(19) as recorded in the office of the Judge of Probate of Baldwin County:

Tract No. 17-1:

Commencing at the northwest corner of Section 32, Township 4 South, Range 2 East; thence S 1°-34'-23"W, a distance of 1425.90 feet to the point of beginning; thence N 81°-32'-36"E, a distance of 517.77 feet; thence S 68°-27'-24"E, a distance of 380.00 feet; thence N 81°-32'-36"E, a distance of 1021.78 feet; thence N 89°-52'-38"E, a distance of 897.26 feet to point; thence N 0°-38'-12"E, a distance of 70.32 feet; thence N 71°-13'-29" E, a distance of 115.19 feet; thence S 68°-27'-24" E, a distance of 60 feet; thence N 81°-32'-36" E, a distance of 20 feet; thence N 51°-32'-26" E, a distance of 100 feet; thence N 75°-59'-06" E, a distance of 309.86 feet; thence N 86°-49'-13" E, a distance of 761.16 feet; thence N 73°-48'-52" E, a distance of 446.14 feet; to a point that is 250 feet left of and at right angles to the centerline station 506+00; thence 81°32'36" E, a distance of 4914.56 feet; thence S 0°-30'-24" E, a distance of 252.43 feet to the centerline of Project I-10-1(19) at station 554+79.65; thence continue S 0°-30'-24" E, a distance of 381.71 feet; thence S 80°-18'-18" W, a distance of 971.64 feet; thence N 68°-27'-24" W, a distance of 80 feet; thence S 81°-32'-36" W, a distance of 2555.50 feet; thence N 0°-51'-07" E, a distance of 263.47 feet, to the centerline of project no. I-10-1(19) at station 518+87.12; thence continue N 0°-51'-07" E, a distance of 92.78 feet; thence S 89°-25'-33" W, a distance of 416.21 feet; thence S 0°-51'-07" W, a distance of 150.62 feet to the centerline of project no. I-10-1(19) at station 514+65.39; thence continue S 0°51'07" W, a distance of 266.44 feet; thence S 89°52'38" W, a distance of 1320.81 feet; thence S 0°45'59" W, a distance of 203.17 feet; thence S 81°32'36" W, a distance of 3888 feet, more or less, to a point that is 270 feet southeasterly of and at right angles to centerline station 461+94.82; thence northwesterly a distance of 180 feet, more or less, to a point on the west property line, said point being 180 feet, southeasterly of and at right angles to centerline station 460+38.92; thence N 1°34'23" E, a distance of 182.79 feet to the centerline of project no. I-10-1(19) at station 460+70.76; thence continue N 1°34'23" E, a distance of 396.05 feet to the point of beginning.

Said tract of land lying in Section 32 and 33, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 104.67 acres, more or less.

As a part of the consideration hereinabove stated there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

Tract No. 17-2:

Commencing at the Northwest corner of Section 33, Township 4 South, Range 2 East; thence S 0°-51'-07" W, a distance of 1311.59 feet to the point of beginning; thence N 89°-25'-33" E, a distance of 92.19 feet; thence S 78°-50'-57" W, a distance of 94.22 feet; thence N 0°-51'-07" E, a distance of 17.30 feet to the point of beginning.

Said tract of land lying in Section 33, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 0.184 acre more or less.

As a part of the consideration hereinabove stated, there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

Tract No. 17-3:

Beginning at Northwest corner of Section 35, Township 4 South, Range 2 East; thence S 89°-48'-20" E, a distance of 440.52 feet; thence S 66°-24'-31" W, a distance of 232.67 feet; thence S 33°-18'-33.5" W, a distance of 167.54 feet; thence S 0°-12'-36" W, a distance of 483.95 feet; thence S 30°-12'-36" W, a distance of 170.00 feet; thence N 89°-47'-27" W, a distance of 150.00 feet; thence N 29°-47'-24" W, a distance of 170.00 feet; thence N 0°-12'-36" E, a distance of 479.53 feet; thence N 33°-51'-17.5" W, a distance of 165.68 feet; thence N 67°-55'-11" W, a distance of 373.56 feet; thence N 86°-03'-44" W, a distance of 455.47 feet; thence S 83°-30'-22" W, a distance of 1159.63 feet; thence S 81°-49'-34" W, a distance of 2025.05 feet; thence S 81°-32'-36" W, a distance of 1017.93 feet; thence N 0°-26'-24" W, a distance of 252.47 feet to the centerline of Project No. I-10-1(19) at Station 568+17.28; thence continue N 0°-26'-24" W, a distance of 333.27 feet; thence N 81°-32'-36" E, a distance of 836.24 feet; thence N 84°-08'-45" E, a distance of 1101.14 feet; thence N 77°-24'-50" E, a distance of 1027.70 feet; thence N 76°-54'-26" E, a distance of 486.48 feet; thence N 86°-01'-10" E, a distance of 1127.46 feet; thence N 63°-39'-11" E, a distance of 437.02 feet; thence N 31°-55'-53.5" E, a distance of 170.17 feet; thence N 0°-12'-36" E, a distance of 530.72 feet; thence N 30°-12'-36" E, a distance of 290.00 feet; thence S 89°-47'-24" E, a distance of 150.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 29°-47'-24" E, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 255.21 feet; thence N 89°-48'-24" W, a distance of 116.15 feet; thence S 0°-12'-36" W, a distance of 1326.72 feet to the point of beginning.

Said tract of land lying in Section 26, 27, 34, and 35, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 90.31 acres more or less.

This conveyance is made for the purpose of a controlled access facility and adjacent service road or roads and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights appurtenant to grantor's remaining property in and to said controlled access facility, provided however, that there is hereby reserved along a line (described as beginning at a point which is 250 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 568+52.49; thence N 0°-26'-24" W, a distance of 80.80 feet; thence N 81°-32'-36" E, a distance of 836.24 feet; thence N 84°-08'-45" E, a distance of 1101.14 feet; thence N 77°-24'-50" E, a distance of 1027.70 feet; thence N 76°-54'-26" E, a distance of 486.48 feet; thence N 86°-01'-10" E, a distance of 1127.46 feet; thence N 63°-39'-11" E, a distance of 437.02 feet; thence N 31°-55'-53.5" E, a distance of 170.17 feet; thence N 0°-12'-36" E, a distance of 530.72 feet; thence N 30°-12'-36" E, a distance of 290.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 30°-12'-36" W, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 100.00 feet to the end of line.

Also:

A line described as beginning at a point which is 75 feet Northwesterly of and at right angles to the center line of Alabama Highway 181 at Station 44+72.85; thence S 89°-47'-24" E, a distance of 150.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 29°-47'-24" E, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 100.00 feet to the end of line.

Also:

A line described as beginning at a point which is 160.00 feet Southeasterly of and at right angles to the centerline of Alabama Highway 181 at Station 21+00; thence S 0°-12'-36" W, a distance of 200.00 feet; thence S 30°-12'-36" W, a distance of 170.00 feet; thence N 89°-47'-24" W, a distance of 150.00 feet; thence N 29°-47'-24" W, a distance of 170.00 feet; thence N 0°-12'-36" E, a distance of 200 feet to the end of line...) the right of ingress to and egress from such remaining property to and from said service road or roads which will be accessible to the controlled access facility only at such points as may be established by public authority.

Tract No. 17-4:

Beginning at the Northeast corner of Section 35, Township 4 South, Range 2 East; thence S 1°-34'-54" W, a distance of 69.43 feet to the centerline of the left lane of Project No. I-10-1(19) at Station 675+51.71; thence continue S 1°-34'-54" W, a distance of 296.57 feet to the centerline of the right lane at Station 675+88.10; thence continue S 1°-34'-54" W, a distance of 173.26 feet; thence N 77°-17'-29" W, a distance of 1446.93 feet; thence Northwesterly along a curve to the left which has a radius of 16,979.73 feet, an arc distance of 1249.21 feet; thence S 89°-48'-20" E, a distance of 935.57 feet to the center line of the right lane at Station 658+74.27; thence continue S 89°-48'-20" E, a distance of 313.00 feet; thence N 0°+10'-33.5" E, a distance of 146.46 feet to the centerline of the left lane at Station 661+81.15; thence continue N 0°-10'-33.5" E, a distance of 171.96 feet; thence Southeasterly along a curve to the right which has a radius of 31,288.62 feet, an arc distance of 1374.70 feet; thence S 1°-34'-54" W, a distance of 102.57 feet to the point of beginning.

Said tract of land lying in Section 26 and 35, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 22.30 acres more or less.

As a part of the consideration hereinabove stated, there is also bargained, sold, conveyed and relinquished to the grantee all existing, future, or potential common law or statutory rights of access between the right of way of the public way identified as Project No. I-10-1(19), County of Baldwin, and all of the grantor's remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property conveyed by this instrument or are connected thereto by other parcels owned by the grantor.

17-E1

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 270 feet Southeasterly of and at right angles to the center line of Project No. I-10-1(19) at Station 473+82; thence N 81°-32'-36" E, a distance of 25.71 feet; thence S 5°-02'-36" W, a distance of 200 feet; thence S 81°-32'-36" W, a distance of 51.42 feet; thence N 5°-02'-36" E, a distance of 200 feet; thence N 81°-32'-36" E, a distance of 25.71 feet to the point of beginning.

Said strip of land lying in Section 32, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E2

Easement For Drainage: The herein described property, a tract of land, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point that is 270 feet Southeasterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 479+85; thence N 81°-32'-36" E, a distance of 157.46 feet; thence S 19°-47'-36" W, a distance of 227.04 feet; thence S 81°-32'-36" W, a distance of 50 feet; thence N 8°-27'-24" W, a distance of 200 feet to the point of beginning.

Said tract of land lying in Section 32, Township 4 South, Range 2 East, and containing 0.476 acre more or less.

17-E3

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 270 feet Southeasterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 482+73; thence N 81°-32'-36" E, a distance of 28.38 feet; thence S 19°-47'-30" W, a distance of 200 feet; thence S 81°-32'-36" W, a distance of 56.76 feet; thence N 19°-47'-30" E, a dis-

tance of 200 feet; thence N 81° -32'-36" E, a distance of 28.38 feet to the point of beginning.

Said tract of land lying in Section 32, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E4

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 260 feet Southeasterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 522+04; thence N 81°-32'-36" E, a distance of 25 feet; thence S 8°-27'-24" E, a distance of 200 feet; thence S 81°-32'-36" W, a distance of 50 feet; thence N 8°-27'-24" W, a distance of 200 feet to point; thence N 81° 32' 36" E, a distance of 25 feet to the point of beginning.

Said strip of land lying in Section 33, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E5

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 260 feet Southeasterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 531+11; thence N 81°-32'-36" E, a distance of 25.02 feet; thence S 10°-56'-24" E, a distance of 200 feet; thence S 81°-32'-36" W, a distance of 50.04 feet; thence N 10°-56'-24" W, a distance of 200 feet; thence N 81°-32'-36" E, a distance of 25.02 feet to the point of beginning.

Said strip of land lying in Section 33, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E6

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 250 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 534+07; thence S 81°-32'-36" W, a distance of 28.87 feet; thence N 51°-32'-36" E, a distance of 200 feet; thence N 81°-32'-36" E, a distance of 57.74 feet; thence S 51°-32'-36" W, a distance of 200 feet; thence S 81°-32'-36" W, a distance of 28.87 feet to the point of beginning.

Said strip of land lying in Section 33, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E7

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 231.04 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 531+17; thence S 84°-08'-45" W, a distance of 27.47 feet; thence N 30°-21'-15" W, a distance of 200 feet; thence N 84°-08'-45" E, a distance of 54.94 feet; thence S 30°-21'-15" E, a distance of 200 feet; thence S 84°-08'-45" W, a distance of 27.47 feet to the point of beginning.

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E8

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 323.92 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 596+03.34; thence S 77°-24'-50" W, a distance of 27.96 feet; thence N 14°-01'-40" E, a distance of 200 feet; thence N 77°-24'-50" E, a distance of 55.92 feet; thence S 14°-01'-40" W, a distance of 200 feet; thence S 77°-24'-50" W, a distance of 27.96 feet to the point of beginning.

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E9

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 332.06 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 597+52.27; thence S 77°-24'-50" W, a distance of 26.16 feet; thence N 4°-31'-40" E, a distance of 200 feet; thence N 77°-24'-50" E, a distance of 52.32 feet; thence S 4°-31'-40" W, a distance of 200 feet; thence S 77°-24'-50" W, a distance of 26.16 feet to the point of beginning.

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E10

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 356.51 feet Northwesterly of and at right angles to the centerline of the left lane of Project No. I-10-1(19) at Station 602+59.27; thence S 76°-54'-26" W, a dis-

tance of 25.93 feet; thence N 2°-14'-29" E, a distance of 200 feet; thence N 76°-54'-26" E, a distance of 51.86 feet; thence S 2°-14'-29" W, a distance of 200 feet; thence S 76°-54'-26" W, a distance of 25.93 feet to the point of beginning.

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E11

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 170 feet Southwesterly of and at right angles to the centerline of the right lane of Project No. I-10-1(19) at Station 655+87; thence S 79°-12'-23" E, a distance of 26.36 feet; thence S 7°-42'-23" E, a distance of 200 feet; thence N 79°-12'-23" W, a distance of 52.72 feet; thence N 7°-42'-23" W, a distance of 200 feet; thence S 79°-12'-23" E, a distance of 26.36 feet to the point of beginning.

Said strip of land lying in Section 35, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

17-E12

Easement For Drainage: The herein described property, a strip of land 50 feet in width and 200 feet in length, to be used for the purpose of a drainage ditch, more particularly described as:

Beginning at a point which is 170 feet Southwesterly of and at right angles to the centerline of the right lane of Project No. I-10-1(19) at Station 675+46; thence S 77°-17'-29" E, a distance of 30.52 feet; thence S 47°-42'-31" W, a distance of 200 feet; thence N 77°-17'-29" W, a distance of 61.04 feet; thence N 47°-42'-31" E, a distance of 200 feet; thence S 77°-17'-29" E, a distance of 30.52 feet to the point of beginning.

Said strip of land lying in Section 35, Township 4 South, Range 2 East, and containing 0.230 acre more or less.

Tract No. 17-TEL

Easement For Construction: The herein described property, a tract of land to be used for the purpose of temporary construction, beginning at a point which is 221 feet Southeasterly of and at right angles to the centerline of the right lane of Project No. I-10-1(19) at Station 610+00; thence S 86°-03'-44" E, a distance of 150.00 feet; thence S 3°-56'-16" W, a distance of 60 feet, more or less to the North boundary of a tract of land now owned by A. Tempary, et. al.; thence N 89°-48'-20" W, along said North boundary a distance of 150.32 feet; thence N 3°-56'-16" E, a distance of 70 feet, more or less to the point of beginning.

Said tract of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.224 acre more or less.

It is hereby agreed that upon completion of the above-mentioned project, all rights granted herein to the said parcels of land covered by easement for construction lying outside the right of way shall cease and terminate and revert to the grantor.

17-TE2

Easement For Construction: The herein described property, a tract of land to be used for the purpose of Detour Road, more particularly described as:

Beginning at a point which is 75 feet Northwesterly of and at right angles to the centerline of Alabama-181 at Station 15+92.78; thence N 29°-47'-24" W, a distance of 370.00 feet; thence N 0°-12'-36" E, a distance of 606.46 feet; thence S 67°-55'-11" E, a distance of 7.76 feet; thence S 33°-51'-17.5" E, a distance of 165.68 feet; thence S 0°-12'-36" W, a distance of 479.53 feet; thence S 29°-47'-24" E, a distance of 170.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet to the point of beginning.

Said tract of land lying in Section 34, Township 4 South, Range 2 East, and containing 1.74 acres more or less.

It is hereby agreed that upon completion of the above-mentioned project, all rights granted herein to the said parcels of land covered by easement for construction lying outside the right of way shall cease and terminate and revert to the grantor.

DSR

THIS INSTRUMENT PREPARED BY
VINCE ALLISON
ALABAMA DEPT. OF TRANSPORTATION
MOBILE, ALABAMA 36618

STATE OF ALABAMA)
COUNTY OF BALDWIN)

PROJECT NO. IM-I010(307)
CPMS PROJ. NO. 100001555
TRACT NO. 21
DATE: 02/01/07

**FEE SIMPLE
WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Two Thousand Two Hundred and no/100 (\$2,200.00) dollar(s), cash in hand paid to the undersigned by the State of Alabama, Alabama Department of Transportation, the receipt of which is hereby acknowledged, I (we), the undersigned grantor(s), Vera E. Avera, a single woman have this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property:

A part of the NE ¼ of the NE ¼ of Section 33, T-4-S, R-2-E identified as Tract Number 21 on Project No. IM-I010(307) in Baldwin County, Alabama and being fully described as follows:

Parcel 1 of 1:

Commencing at a 4"x4" concrete monument found on the present north R/W line of Interstate 10 and is shown on the R/W map of State Highway Project No. I-10-1(19) (said monument offset 250.00 feet left of and perpendicular to the centerline of Project No. I-10-1(19) at Station 577+00.00;

Thence S81°33'41"W along present R/W line a distance of 1060.06 feet to a point on the grantor's property line and the Point of Beginning of the property herein to be conveyed;

Thence continue S81°33'41"W along the present R/W line a distance of 33.86 feet to a point on the grantor's property line;

Thence N00°28'27"E along the grantor's property line a distance of 43.68 feet to a point on the grantor's property line (said line is also the north line of said Section 33);

Thence N89°25'06"E along the grantor's property line a distance of 33.13 feet to a point on the grantor's property line;

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/ent. 01/05/2007 9:06 AM
DEED TAX \$ 2.50
TOTAL \$ 24.50
4 Pages

1072714



Thence S00°00'00"E along the grantor's property line a distance of 39.05 feet to the Point of Beginning of the property herein conveyed and containing 0.032 acres, more or less.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

TO HAVE AND TO HOLD, unto the State of Alabama, its successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESAID, I (we) do for myself (ourselves), for my (our) heirs, executors administrators, successors, and assigns covenant to and with the State of Alabama that I (we) am (are) lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that I (we) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for advalorem taxes which attached on October 1, last past, and which is to be paid by the grantor; and that I (we) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S), that the purchase price above-stated is in full compensation to him-her (them) for this conveyance.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal this the _____ day of _____ August _____, 20 07.

Vera E. Avera (SEAL)
Vera E. Avera

GRANTEE'S ADDRESS:

STATE OF ALABAMA
1701 I-65 WEST SERVICE RD. N.
MOBILE, ALABAMA 36618

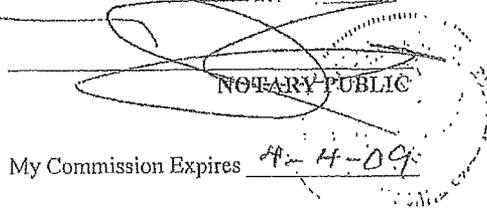
ACKNOWLEDGMENT

STATE OF ALABAMA)

COUNTY OF Baldwin)

I, Thomas A. Ollinger, Jr, a Notary Public, in and for said County in said State, hereby certify that Vera E. Avera, whose name (s) is _____, signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of _____ of this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30th day of August, 20 07.

A circular notary seal for Thomas A. Ollinger, Jr., Notary Public, with a signature over it. Below the seal, it says "My Commission Expires 4-4-09".

ACKNOWLEDGMENT FOR CORPORATION

STATE OF ALABAMA

_____ County

I, _____, a _____ in and for said County, in said State, hereby certify that _____ whose name as _____ of the _____ Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this _____ day of _____, A.D. 20 _____.

Official Title _____

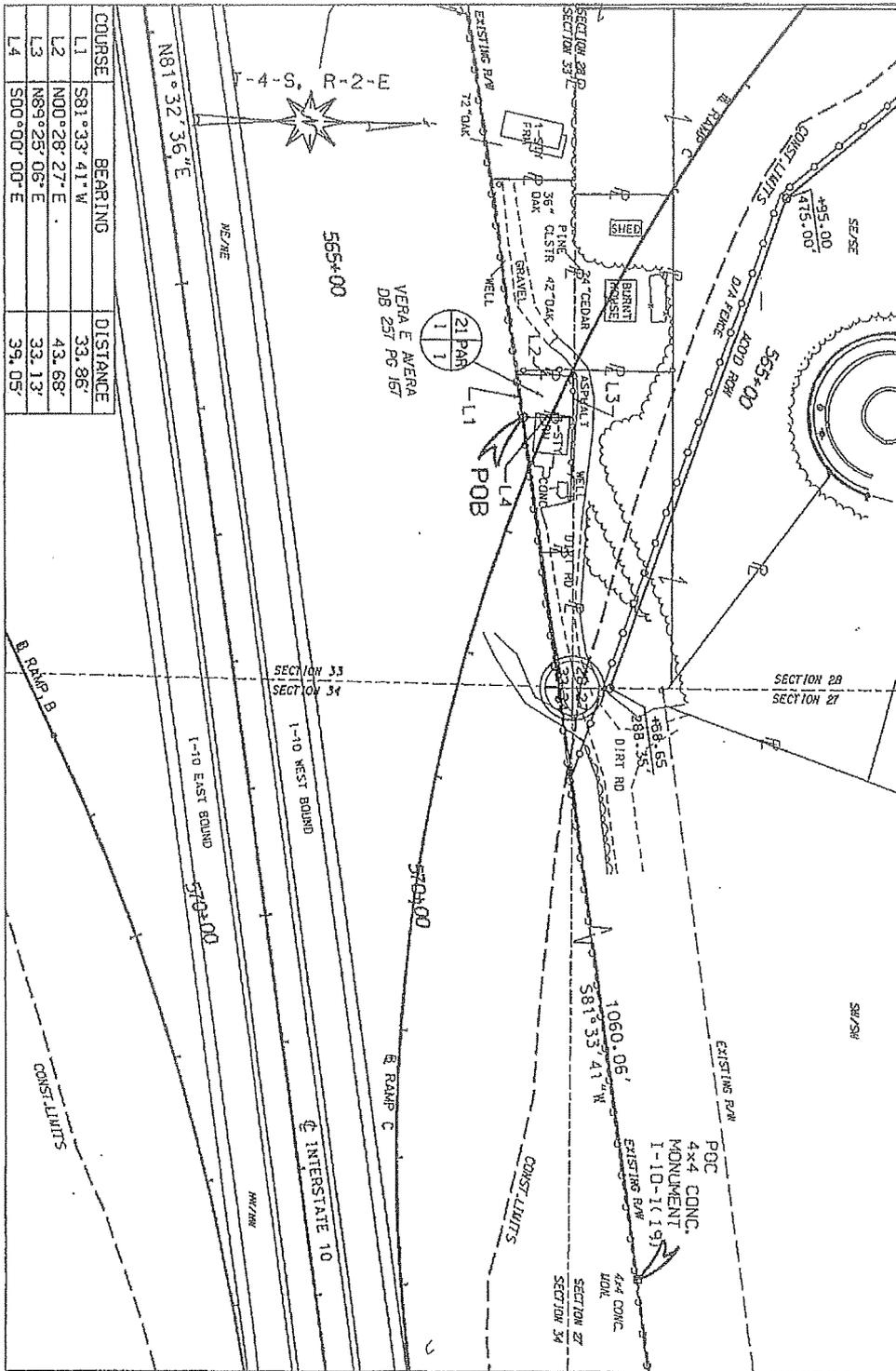
to
STATE OF ALABAMA
WARRANTY DEED

STATE OF ALABAMA

County of _____
I, _____
Judge of Probate in and for said County,
Hereby certify that the within
Conveyance was filed in my office at
_____ o'clock _____ M., on the _____
day of _____, 20____
and duly recorded in Deed Record _____
page _____
Dated _____ day of _____, 20____

Judge of Probate
_____ County, Alabama.

THIS IS NOT A BOUNDARY SURVEY



R/W CPMS NO. 100001555

TRACT NUMBER 21	ALABAMA DEPT. OF TRANSPORTATION
OWNER: VERA E AVERA	PROJ. NO. IM-1010(307)
	COUNTY: BALDWIN
TOTAL ACREAGE: 0.032	SCALE: 1" = 100'
R/W REQUIRED: 0.032	DATE: 02/01/07
REMAINDER: 0.000	REVISED:

DSC

THIS INSTRUMENT PREPARED BY
VINCE ALLISON
ALABAMA DEPT. OF TRANSPORTATION
MOBILE, ALABAMA 36618

STATE OF ALABAMA)
COUNTY OF BALDWIN)

PROJECT NO. IM-I010(307)
CPMS PROJ. NO. 100001555
TRACT NO. 21
DATE: 02/01/07

**FEE SIMPLE
WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Two Thousand Two Hundred and no/100 (\$2,200.00) dollar(s), cash in hand paid to the undersigned by the State of Alabama, Alabama Department of Transportation, the receipt of which is hereby acknowledged, I (we), the undersigned grantor(s), Vera E. Avera, a single woman have this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property:

A part of the NE ¼ of the NE ¼ of Section 33, T-4-S, R-2-E identified as Tract Number 21 on Project No. IM-I010(307) in Baldwin County, Alabama and being fully described as follows:

Parcel 1 of 1:

Commencing at a 4"x4" concrete monument found on the present north R/W line of Interstate 10 and is shown on the R/W map of State Highway Project No. I-10-1(19) (said monument offset 250.00 feet left of and perpendicular to the centerline of Project No. I-10-1(19) at Station 577+00.00;

Thence S81°33'41"W along present R/W line a distance of 1060.06 feet to a point on the grantor's property line and the Point of Beginning of the property herein to be conveyed;

Thence continue S81°33'41"W along the present R/W line a distance of 33.86 feet to a point on the grantor's property line;

Thence N00°28'27"E along the grantor's property line a distance of 43.68 feet to a point on the grantor's property line (said line is also the north line of said Section 33);

Thence N89°25'06"E along the grantor's property line a distance of 33.13 feet to a point on the grantor's property line;

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/cert. 02/01/2007 9:05 AM
DEED TAX \$ 2.50
TOTAL \$ 24.50
4 Pages

1072714



Thence S00°00'00"E along the grantor's property line a distance of 39.05 feet to the Point of Beginning of the property herein conveyed and containing 0.032 acres, more or less.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

TO HAVE AND TO HOLD, unto the State of Alabama, its successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESAID, I (we) do for myself (ourselves), for my (our) heirs, executors administrators, successors, and assigns covenant to and with the State of Alabama that I (we) am (are) lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that I (we) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for advalorem taxes which attached on October 1, last past, and which is to be paid by the grantor; and that I (we) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S), that the purchase price above-stated is in full compensation to him-her (them) for this conveyance.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal this the _____ day of _____ August _____, 20__07.

Vera E. Avera (SEAL)
Vera E. Avera

GRANTEE'S ADDRESS:
STATE OF ALABAMA
1701 I-65 WEST SERVICE RD. N.
MOBILE, ALABAMA 36618

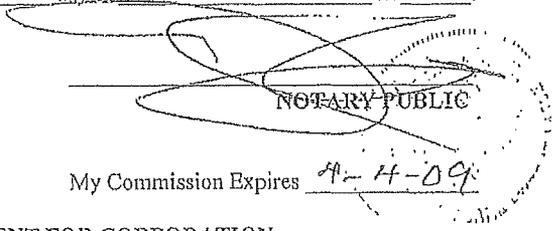
ACKNOWLEDGMENT

STATE OF ALABAMA)

COUNTY OF Baldwin)

I, Thomas A. Ollinger, Jr, a Notary Public, in and for said County in said State, hereby certify that Vera E. Avera, whose name (s) is is, signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30th day of August 20 07.

A circular notary seal for Thomas A. Ollinger, Jr., Notary Public, with a signature over it. Below the seal, it says "My Commission Expires 11-14-09".

ACKNOWLEDGMENT FOR CORPORATION

STATE OF ALABAMA

_____ County

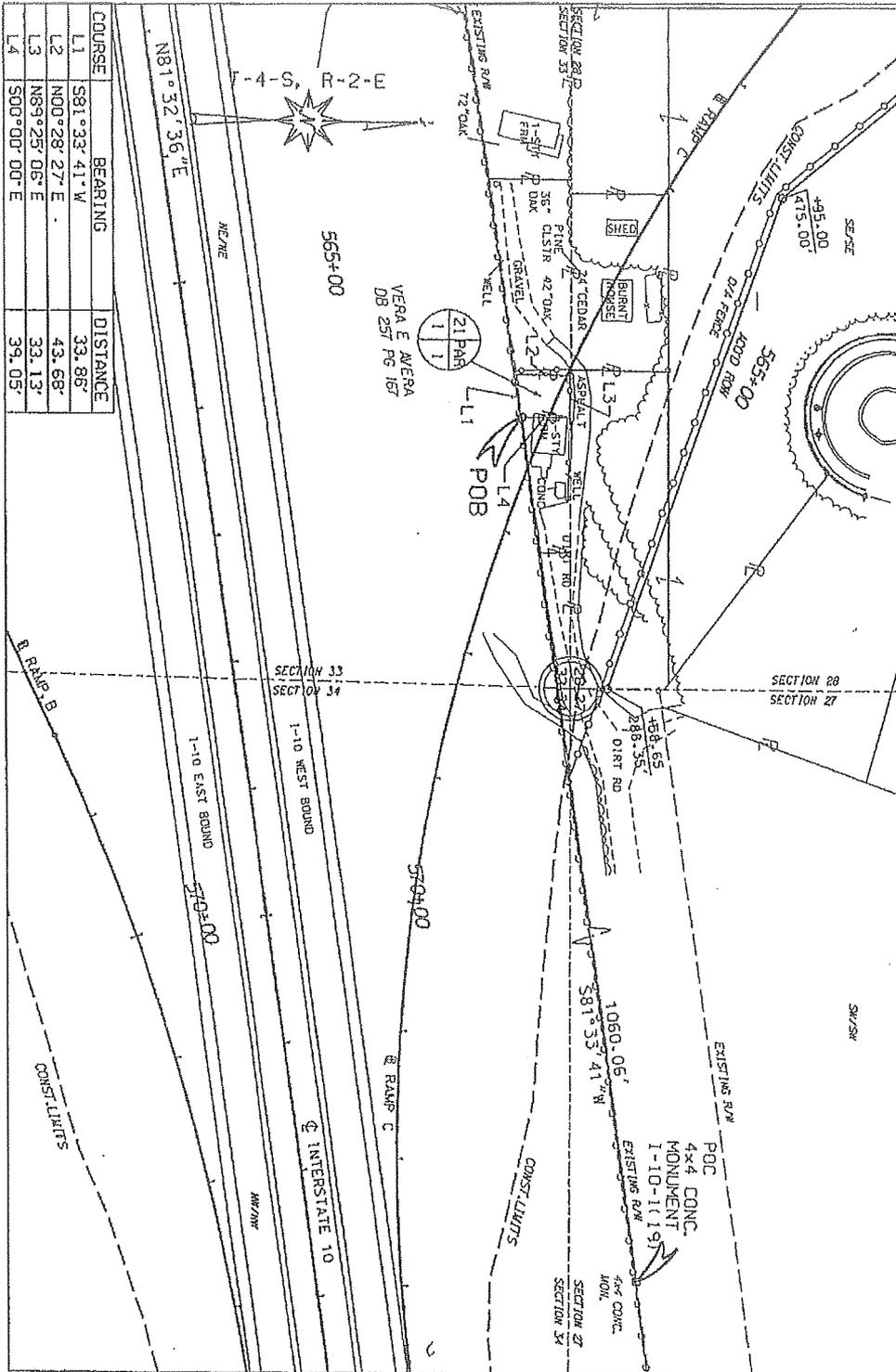
I, _____, a _____ in and for said County, in said State, hereby certify that _____ whose name as _____ of the _____ Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this _____ day of _____, A.D. 20 _____.

Official Title _____

to
STATE OF ALABAMA
WARRANTY DEED
STATE OF ALABAMA
County of _____
I, _____
Judge of Probate in and for said County,
Hereby certify that the within
Conveyance was filed in my office at
_____ o'clock _____ M., on the _____
day of _____, 20____
and duly recorded in Deed Record _____
page _____
Dated _____ day of _____, 20____
Judge of Probate
_____ County, Alabama.

THIS IS NOT A BOUNDARY SURVEY



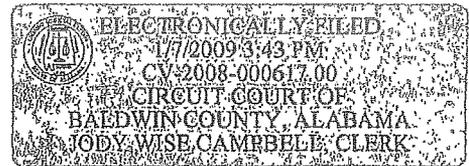
R/W CPMS NO. 100001555

TRACT NUMBER 21
OWNER: VERA E AVERA

ALABAMA DEPT. OF TRANSPORTATION
PROJ. NO. IM-1010(307)
COUNTY: BALDWIN

TOTAL ACREAGE: 0.032
R/W REQUIRED: 0.032
REMAINDER: 0.000

SCALE: 1" = 100'
DATE: 02/01/07
REVISED:



IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA)	
)	
Plaintiff)	
)	
V.)	Case No.: CV-2008-000617.00
)	
LANDS DESCRIBED)	
BROXTON CHARITY (HEIRS OR)	
DE)	
Defendant)	

FINAL ORDER

The mater of the Application, Affidavit and Entry of Default and Default Judgment having been presented by the Plaintiff herein for consideration by the Court, together with evidence presented unto the Court via verified pleading, and by virtue of the failure of Defendants, Charity Broxton, and/or any heir or devisee thereof, or any other person, to plead or otherwise defend the Complaint of Plaintiff within the time prescribed by law, such Defendants having been duly served via publication appearing in "Baldwin Times" on October 30, November 6, November 13, and November 20, 2008, as heretofore mandated by prior Order of this Court, and certification of such publication having been duly submitted to this Court by counsel for the Plaintiff, and Matthew Rone, Esq. having been duly appointed as Guardian Ad Litem on behalf of any potential heirs or devisees of said Defendant, Charity Broxton, whose whereabouts is unknown pursuant to what has been determined herein to have been a reasonable and diligent inquiry conducted on behalf of Plaintiff, it is hereby ORDERED, ADJUDGED and DECREED, pursuant to §6-6-540 et. seq. and §6-6-560 et seq. Code of Alabama (1975), as follows:

1. Plaintiff, State of Alabama heretofore held color of title unto the subject parcel of realty hereinafter described by virtue of that certain Certificate of Sale dated June 11, 1984 and recorded in Sale Book 60, Page 588, Records of the Baldwin County Revenue Commissioner, and since such date there has been no evidence presented herein of possession (actual or constructive) thereof by said presumed late Defendant Charity Broxton, to whom said parcel was last assessed (Parcel No. 32-08-33-0-001-001.000 of said Records), said realty being more particularly described as follows:, to-wit:

A part of the NE 1/4 of the NE 1/4 of Section 33, T-4-S, R-2-E identified as
 Tract Number 23 on Project No. IM-1010 (307) of the Alabama Department of
 Transportation in Baldwin County, Alabama and being fully described
 as follows:

Parcel 1 of 1:

BALDWIN COUNTY, ALABAMA
 JUDGE ADRIAN T. JOHNS
 Filed/cert. 1/12/2009 11:03 AM
 TOTAL \$ 19.00
 3 Pages

1157167



Commencing at a 4" x 4" concrete monument found on the present north R/W line of Interstate 10 and is shown on the R/W map of State Highway Project No. I-10-1 (19) (said monument offset 250.00 feet left of and perpendicular to the centerline of Project No. I-10-1(19) at Station 577 +00.00; Thence S 81 degrees 33' 41" W along present R/W line a distance of 847.04 feet to a point on the grantor's property line (said line is also the east line of said Section 33) and the Point of Beginning of the property herein to be condemned; Thence continue S 81 degrees 33' 41" W along the present R/W line a distance of 107.10 feet to a point on the grantor's property line; Thence N 00 degrees 59' 26" W along the grantor's property line a distance of 24.49 feet to a point on the grantor's property line (said line is also the north line of said Section 33); Thence N 89 degrees 25' 06" E along the grantor's property line a distance of 106.27 feet to a point on the grantor's property line (said line is also the east line of said Section 33); Thence S 00 degrees 32' 32" E along the grantor's property line a distance of 9.85 feet to the Point of Beginning of the property to be condemned and containing 0.042 acres, more or less. And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

2. Accordingly, any right of redemption of said parcel has expired by operation of law. There is no suit pending to test or determine the title to or any interest in, or right of possession by Plaintiff, in and to the above-described parcel, or any part thereof, and furthermore, there is no suit

pending seeking to test or determine any other title to or interest therein, or any part thereof. Under said color of title, Plaintiff has been in actual, peaceful, notorious and adverse possession of said parcel exclusively for a period in excess of twenty successive/consecutive years next preceding the filing of the subject Complaint herein.

3. Accordingly, Plaintiff, State of Alabama is seized and possessed of the entire and undivided fee simple interest in and to the above-described parcel without restriction.

4. Neither Charity Broxton, or in the event she is deceased, nor her heirs or devisees, nor any other parties (known and unknown) have any claim unto said parcel, or any part thereof.

5. The duty appointed Guardian Ad Litem hereto, Matthew Rone, is hereby awarded

the sum of \$500.00 for his services herein on behalf of the unknown heirs of said Charity Broxton, if any such heirs exist.

DONE this 7th day of January, 2009

/s J LANGFORD FLOYD

CIRCUIT JUDGE

THIS INSTRUMENT PREPARED BY
VANICE ALLISON
ALABAMA DEPT. OF TRANSPORTATION
MOBILE, ALABAMA 36618

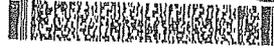
STATE OF ALABAMA)
COUNTY OF BALDWIN)

PROJECT NO. IM-1010 (307)
CPMS PROJ. NO. 100001555
TRACT NO. 22
DATE: 02/01/07

BALDWIN COUNTY, ALABAMA
JUDGE ADRIAN T. JOHNS
Filed/cert. 1/28/2010 9:53 AM
TOTAL \$ 29.00
6 Pages

1277436

FEE SIMPLE
WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of up to the sum of SIX THOUSAND FIVE HUNDRED AND NO/100 dollar(s), toward the cost to install a septic system upon a certain parcel conveyed by the herein named Grantee unto Grantors herein named, cash in hand paid to the undersigned by the State of Alabama, Alabama Department of Transportation, the Grantee, the receipt of which is hereby acknowledged, I (we), the undersigned grantor(s), M. L. AUSTIN, a/k/a MARGARET L. AUSTIN, a married woman, joined by her husband, JAMES AUSTIN, and C.M. AUSTIN, a/k/a CORY MOHAMMED AUSTIN, a single man, whose former spouse, GESNA ALESE AUSTIN, has divested herself of any interest in and to the within described parcel by virtue of a conveyance dated June 2, 2009 and recorded June 15, 2009 in Instrument No. 1182740 of the Records of the Baldwin County, Alabama Probate Court, have this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property:

A part of the NE 1/4 of the NE 1/4 of Section 33, T-4-S, R-2-E identified as Tract Number 22 on Project No. IM-1010(307) in Baldwin County, Alabama and being fully described as follows:

Parcel 1 of 1:

Commencing at a 4"x4" concrete monument found on the present north R/W line of Interstate 10 and is shown on the R/W map of State Highway Project No. I-10-1(19) (said monument offset 250.00 feet left of and perpendicular to the centerline of Project No. I-10-1(19) at Station 577+00.00;

Thence S81°33'41"W along present R/W line a distance of 954.14 feet to a point on the grantor's property line and the Point of Beginning of the property herein to be conveyed;

Thence continue S81°33'41"W along the present R/W line a distance of 106.46 feet to a point on the grantor's property line;

Thence N00°00'00"W along the grantor's property line a distance of 39.05 feet to a point on the grantor's property line (said line is also the north line of said Section 33);

Thence N89°25'06"E along the grantor's property line a distance of 104.89 feet to a point on the grantor's property line;

Thence S00°59'26"E along the grantor's property line a distance of 24.49 feet to the Point of Beginning of the property herein conveyed and containing 0.077 acres, more or less.

And as shown on the right of way map of record in the Alabama Department of Transportation a copy of which is also deposited in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.

TO HAVE AND TO HOLD, unto the State of Alabama, its successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESAID, I (we) do for myself (ourselves), for my (our) heirs, executors administrators, successors, and assigns covenant to and with the State of Alabama that I (we) am (are) lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that I (we) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the grantor; and that I (we) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.



THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S), that the purchase price above-stated is in full compensation to him-her (them) for this conveyance.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal this the

27 day of January, 2010.

Margaret L. Austin
M. L. Austin, a/k/a Margaret L.
Austin

James Austin
James Austin a/k/a James W. Austin, Jr.
C. M. Austin
C. M. Austin, a/k/a Cory Mohammed
Austin

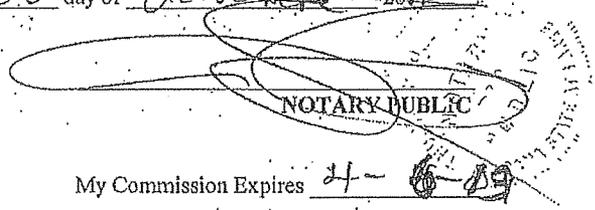
GRANTEE'S ADDRESS:
STATE OF ALABAMA
1701 I-65 WEST SERVICE RD. N.
MOBILE, ALABAMA 36618

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF Baldwin)

I, T.A. Ollinger, Jr, a Notary Public, in and for said County in said State, hereby certify that M. L. Austin, a/k/a Margaret L. Austin and James Austin, whose name (s) are _____, signed to the foregoing conveyance, and who are _____ known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they _____ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22th day of January ~~October~~ 2012



My Commission Expires 24-6-09

ACKNOWLEDGMENT FOR CORPORATION

STATE OF ALABAMA

_____ County

I, _____, a _____ in and for said County, in said State, hereby certify that _____ whose name as _____ of the _____ Company, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this _____ day of _____, A.D. 20 _____

Official Title _____

STATE OF ALABAMA
to
STATE OF ALABAMA
WARRANTY DEED
STATE OF ALABAMA
County of _____
I, _____
Judge of Probate in and for said County,
Hereby certify that the within
Conveyance was filed in my office at
_____ day of _____, 20____
_____ o'clock _____ M., on the
_____ page
and duly recorded in Deed Record
Dated _____ day of _____ 20____
Judge of Probate
_____ County, Alabama.

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF Baldwin

I, T. A. Ollinger JR, a Notary Public, in and for said County in said State, hereby certify that C. M. Austin, w/k/a Cory Mohammed Austin, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 29th day of January ~~2009~~
2009



Notary Public
My Commission Expires 4-6-09



**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

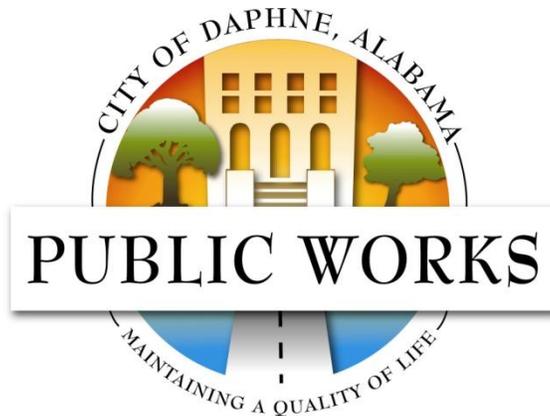
PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

Bailey Yelding, Jr.
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Tommie Conaway
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: Councilman Derek Boulware; Chairman, Finance Committee
Thru: The Honorable Mayor Bailey Yelding, Jr.
From: Richard D. Johnson, P.E.; Public Works Director
David McKelroy; Parks & Recreation Director
CC: Finance; HMR – Tim Lawley, PE; File
Date: February 7, 2012
Re: Daphne Sports Complex, Phase 1 – Request to solicit bids for construction

Mr. Mayor:

In consultation with Mr. McKelroy and the support of the Parks and Recreation Board we are seeking a Motion of Approval from the Finance Committee to solicit bids for the cost of construction for the above referenced project.

No request for appropriation is being made at this time. Once bids are tabulated and if deemed feasible, will be submitted back to the Finance Committee for consideration.

Find attached the updated “turn-key” estimate for the project. This includes all cost associated with a deliverable project: construction, landscaping, irrigation, construction engineering, inspection and testing. Also, attached is a site plan for this phase of the project.

Yours,

RDJ



ENGINEERING COST ESTIMATE

Owner: **City of Daphne**

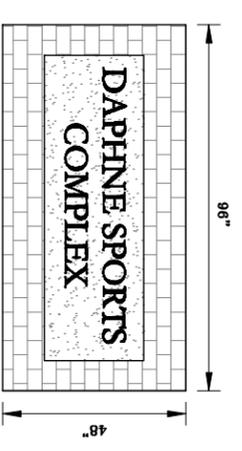
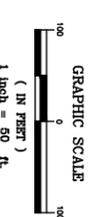
Project: **Daphne Sports Complex Entrance Road**

Date: **February 6, 2012**

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	CLEARING AND GRUBBING (201-A)	LS	1		\$ 15,000.00
2	UNCLASSIFIED EXCAVATION (210-A)	CYIP	18,000	8.00	\$ 144,000.00
3	BORROW EXCAVATION, SELECT FILL, 18" SAND CLAY (A-2-4 OR BETTER) (210-D)	CYIP	5,650	11.50	\$ 64,975.00
4	FOUNDATION BACKFILL, COMMERCIAL 5" THICK (#57 STONE) (214-B)	CY	120	56.00	\$ 6,720.00
5	ROADBED PROCESSING (230-A)	SY	10,675	1.25	\$ 13,343.75
6	GRANULAR SOIL BASE, COURSE, UPPER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	7,120	2.75	\$ 19,580.00
7	GRANULAR SOIL BASE, COURSE, LOWER LAYER, TYPE A, ROAD MIXED, 4" COMPACTED THICKNESS (301-A)	SYCIP	6,535	2.75	\$ 17,971.25
8	CRUSHED AGGREGATE, PLANT MIXED, (6" THICK) TYPE B (301-A)	SYCIP	4,635	13.00	\$ 60,255.00
9	BITUMINOUS TREATMENT, TYPE A (401-A)	SY	6,000	1.25	\$ 7,500.00
10	TACK COAT (0.05 GAL/SY) (405-A)	GAL	250	4.50	\$ 1,125.00
11	BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1.5" COMPACTED THICKNESS, 165 #/SY (PARKING LOT) (424-A)	TONS	540	80.00	\$ 43,200.00
12	BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1.0" COMPACTED THICKNESS, 110 #/SY (ENTRANCE ROAD & TURN LANE) (424-A)	TONS	230	80.00	\$ 18,400.00
13	BITUMINOUS CONCRETE BINDER LAYER, 2.0" COMPACTED THICKNESS, 220 #/SY (ENTRANCE ROAD & TURN LANE) (424-B)	TONS	455	80.00	\$ 36,400.00
14	18" ROADWAY PIPE, CLASS 3 (530-A)	LF	784	32.00	\$ 25,088.00
15	24" ROADWAY PIPE, CLASS 3 (530-A)	LF	518	42.00	\$ 21,756.00
16	30" ROADWAY PIPE, CLASS 3 (530-A)	LF	232	55.00	\$ 12,760.00
17	42" ROADWAY PIPE, CLASS 3 (530-A)	LF	56	95.00	\$ 5,320.00
18	MOBILIZATION (600-A)	LS	1		\$ 20,000.00
19	6" UNDERDRAIN PIPE, TYPE 10 (606-A)	LF	250	12.00	\$ 3,000.00
20	LOOSE RIPRAP, CLASS 2, 18" THICK (610-C)	TONS	150	75.00	\$ 11,250.00
21	FILTER BLANKET, NON-WOVEN (610-D)	SY	180	3.00	\$ 540.00
22	CONCRETE SLOPE PAVING (614-A)	CY	5	300.00	\$ 1,500.00
23	CONCRETE SIDEWALK, 4" THICK, 6' WIDE (618-A)	SY	585	35.00	\$ 20,475.00
24	18" PIPE END TREATMENT (619-A)	EA	1	700.00	\$ 700.00
25	24" PIPE END TREATMENT (619-A)	EA	1	800.00	\$ 800.00
26	42" PIPE END TREATMENT (619-A)	EA	1	1,000.00	\$ 1,000.00
27	INLETS, TYPE "S3", ONE WING (621-C)	EA	6	3,500.00	\$ 21,000.00
28	INLETS, TYPE "S4", ONE WING (621-C)	EA	2	4,000.00	\$ 8,000.00
29	INLETS, TYPE "S3", TWO WING (621-C)	EA	3	4,000.00	\$ 12,000.00
30	GRATE INLET (621-C)	EA	3	3,500.00	\$ 10,500.00
31	INLETS, WEIR TOP (621-C)	EA	1	3,500.00	\$ 3,500.00
32	JUNCTION BOX (621-C)	EA	1	2,500.00	\$ 2,500.00

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
33	OUTFALL STRUCTURE	EA	1	10,000.00	\$ 10,000.00
34	CONCRETE CURB, TYPE "N" (623-B)	LF	250	15.00	\$ 3,750.00
35	COMBINATION CURB & GUTTER, TYPE M-2, 24" WIDE (623-C)	LF	4,220	15.00	\$ 63,300.00
36	6" WATER PIPE/ MAIN LAID C-900 (641-A)	LF	80	14.00	\$ 1,120.00
37	8" WATER PIPE/ MAIN LAID, C-900 (641-A)	LF	1,100	20.50	\$ 22,550.00
38	4" PVC SLEEVES (641-A)	LF	300	5.50	\$ 1,650.00
39	2" PVC WATER PIPE, CLASS 200 (641-A)	LF	215	5.50	\$ 1,182.50
40	1.5" PVC WATER PIPE, CLASS 200 (641-A)	LF	445	5.00	\$ 2,225.00
41	DUCTILE IRON OR CAST IRON WATER FITTINGS (641-C)	LBS	250	6.50	\$ 1,625.00
42	CONCRETE FOR WATER LINES (641-C)	CY	5	400.00	\$ 2,000.00
43	FIRE HYDRANTS (641-D)	EA	2	2,800.00	\$ 5,600.00
44	8" GATE VALVE, WATER (641-J)	EA	1	800.00	\$ 800.00
45	8" RETAINER GLAND (641-M)	EA	11	200.00	\$ 2,200.00
46	TAPPING VALVE AND SLEEVES (8" X 6") (641-O)	EA	1	2,500.00	\$ 2,500.00
47	8" MASTER WATER METER WITH BACKFLOW (IN VAULT) (641-Q)	EA	1	3,000.00	\$ 3,000.00
48	4" PVC FORCEMAIN, CLASS 200 (645-A)	LF	1,150	6.75	\$ 7,762.50
49	2" PVC FORCEMAIN, CLASS 200 (645-A)	LF	475	5.50	\$ 2,612.50
50	DUCTILE IRON OR CAST IRON FITTINGS FOR SEWERS/FORCEMAINS (645-C)	LBS	350	6.50	\$ 2,275.00
51	MANHOLES (DOG HOUSE) (645-H)	EA	1	3,500.00	\$ 3,500.00
52	4" GATE VALVE, SEWER (645-J)	EA	1	500.00	\$ 500.00
53	DIRECTIONAL BORE, 4" SDR 11	LF	60	65.00	\$ 3,900.00
54	CONCRETE FOR SEWER CONSTRUCTION (SS-10)	CY	3	400.00	\$ 1,200.00
55	END OF LINE CLEANOUT	EA	1	450.00	\$ 450.00
56	TOPSOIL FROM STOCKPILES, 5" THICK (650-B)	CYIP	850	4.00	\$ 3,400.00
57	SEEDING (652-A)	ACRE	2.5	1,200.00	\$ 3,000.00
58	TEMPORARY SEEDING (654-A)	ACRE	2.5	1,200.00	\$ 3,000.00
59	SOLID SODDING (654-A)	SY	6,000	4.50	\$ 27,000.00
60	MULCHING (656-A)	ACRE	2.5	1,200.00	\$ 3,000.00
61	STONE PAD CONSTRUCTION ENTRANCE (#4 STONE)	LS	1		\$ 3,000.00
62	POLYETHYLENE SHEETING (665-E)	SY	1,000	2.55	\$ 2,550.00
63	SAND BAGS (665-G)	EA	500	3.50	\$ 1,750.00
64	SILT FENCE, TYPE A (665-J)	LF	2,500	4.50	\$ 11,250.00
65	WATTLES (665-Q)	LF	600	8.00	\$ 4,800.00
66	SOLID WHITE CLASS 2, TYPE A TRAFFIC STRIPE, 4" WIDE (0.09" THICK) (701-A)	MILE	0.06	3,000.00	\$ 180.00
67	DOTTED WHITE CLASS 2, TYPE A TRAFFIC STRIPE, 4" WIDE (0.09" THICK) (701-B)	LF	300	1.25	\$ 375.00
68	TRAFFIC SIGNS	LS	1		\$ 3,500.00
69	HANDICAP STRIPING	LS	1		\$ 1,000.00
70	SOLID WHITE STRIPE, CLASS 1, TYPE A, 4" WIDE (701-G)	LF	2,220	1.25	\$ 2,775.00
71	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, 24" WIDE, STOP BAR (0.09" THICK) (703-A)	SF	120	4.50	\$ 540.00
72	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A, CHANNEL LINE, 8" WIDE (0.09" THICK) (703-A)	SF	200	4.50	\$ 900.00

ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
73	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A (0.09" THICK) (ARROW) (703-A)	SF	50	4.50	\$ 225.00
74	TRAFFIC CONTROL LEGENDS, CLASS 2, TYPE A (0.09" THICK) (703-B)	SF	75	4.50	\$ 337.50
75	4" SEWER METER	EA	1	1,500.00	\$ 1,500.00
76	TRAFFIC CONTROL	LS	1		\$ 5,000.00
77	ENGINEERING CONTROLS	LS	1		\$ 5,000.00
78	PERFORMANCE BOND	LS	1		\$ 10,000.00
79	LANDSCAPING & IRRIGATION	LS	1		\$ 55,000.00
80	BIDDING, SPECS & CONTRACT DOCUMENTS	LS	1		\$ 3,000.00
81	CONSTRUCTION ENGINEERING & SURVEILLANCE	LS	1		\$ 87,900.00
82	MATERIALS TESTING	LS	1		\$ 14,000.00
TOTAL AMOUNT					\$ 1,029,844.00



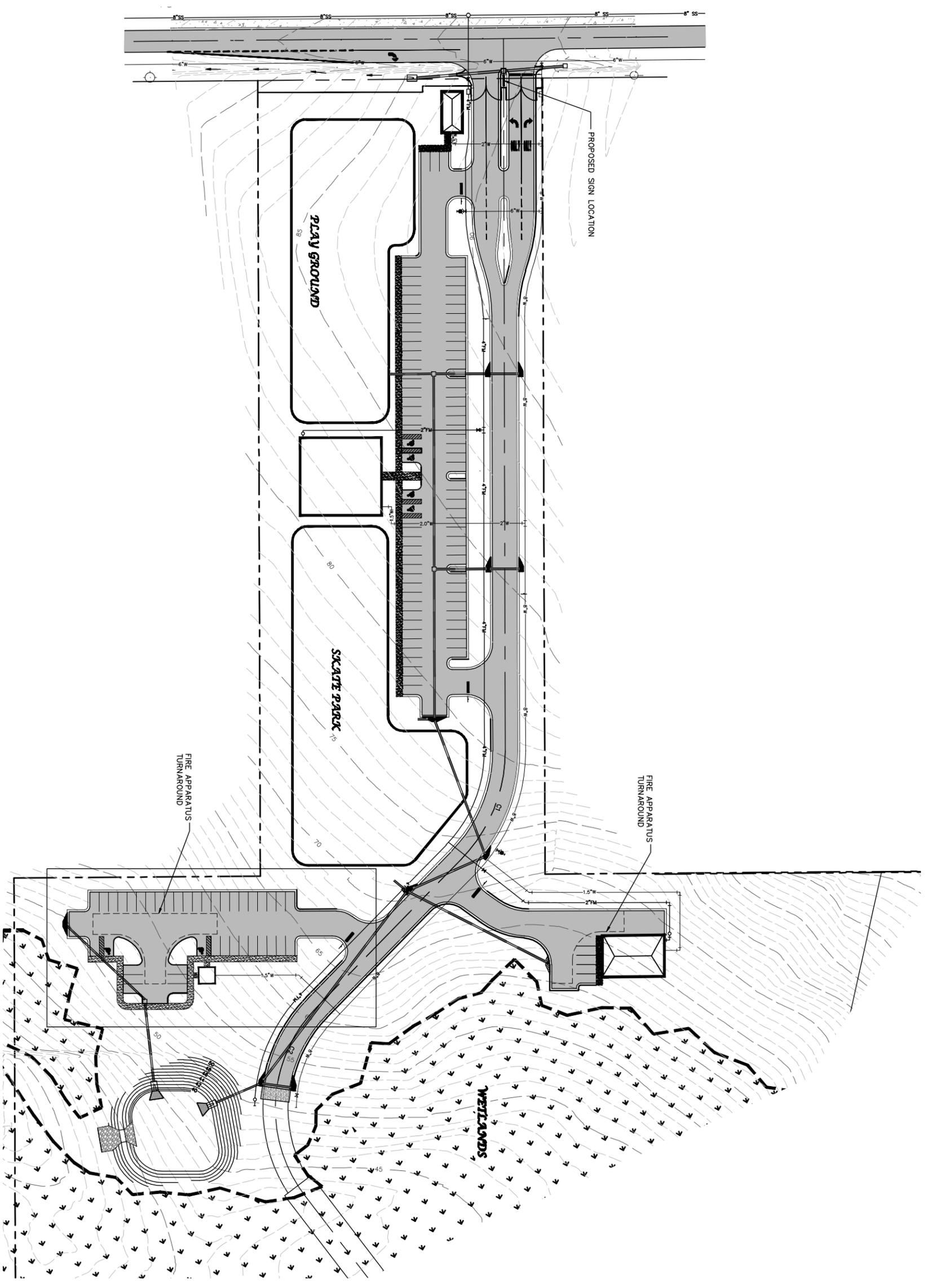
PROPOSED SIGNAGE
N.T.S.

LEGEND

- 8"W — PROPOSED WATER LINE W/SIZE
- M — PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- ▲— PROPOSED DOUBLE WING INLET
- ▲— PROPOSED SINGLE WING INLET
- FM — PROPOSED FORCE MAIN WITH SIZE

SITE DATA TABLE

TOTAL SITE	=	6,317,717 SQ. FT. (122.08 AC.±)
LIMITS OF PROJECT	=	APR. 357,800 SQ. FT. (8.21 AC.±)
PROPOSED USE	=	PAER/ RECREATIONAL
PROPOSED PAVEMENT AREA	=	1,072,389 SQ. FT. (24.8 AC.±) (30.0% OF SITE)
PROPOSED IMPERVIOUS AREA	=	250,411 SQ. FT. (5.75 AC.±) (70.0% OF SITE)
PROPOSED PARKING SPACES	=	130 SPACES (6 HANDICAP ACCESSIBLE)
ZONING	=	R3



NO.	REVISION	DATE	ENGR.



HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS ♦ SURVEYORS
LAND PLANNERS

2039 MAIN STREET
DAPHNE, ALABAMA
36526

TEL (251) 626-2626
FAX (251) 626-6934
daphne@hmmrengineers.com

2981-SITE
D2500-2981-10.25

DAPHNE SPORTS COMPLEX
SITE PLAN

THE CITY OF DAPHNE

SCALE: 1" = 50'

DATE: JANUARY 2008

DRAWN BY: GLH

CHECKED BY:

SHEET: 3A OF 20

**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:

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
FEBRUARY 27, 2012
5:30 P.M.**

1. CALL TO ORDER/ROLLCALL

Casey Zito called the meeting to order at 5:42 p.m.

Members Present: Casey Zito; Ken Balme.; Doug Bailey; Ronald Nero; Dayna Oldham.

ABSENT: Mary Beth Mantiply.

Also present: Cathy Barnette, Council Liaison Rebecca Hayes, recording secretary; Dorothy Morrison, Beautification Committee.

2. APPROVE MINUTES / AUGUST 22, 2011 & January 23, 2012

MOTION BY Ken Balme to approve the August 22, 2011 minutes. Seconded by Ronald Nero.

ALL IN FAVOR

NONE APPROVED

MOTION CARRIED

MOTION BY Ronald Nero to approve the January 23, 2012 minutes. Seconded by Doug Bailey.
--

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

3. OLD BUSINESS:

a.) Report on Daphne Potter Site:

Doug and Ken have not surveyed the site. Jay met with the Mayor and Mr. Olds regarding the easement, and it is still under discussion. They mentioned that the discussions need to include Mrs. Olds. Jay needs to move forward with meeting with Mr. and Mrs. Olds regarding the easement. The members need to decide if the boardwalk will be a circle or straight. Cathy is trying to get an answer from Jay Ross regarding the liability for the boardwalk, and will send members an update as soon as she hears something.

b.) Plaque Update:

Doug reported that he received several quotes. The low quote was \$575, but it does not include the stone. Doug will continue to work on the quotes, and to find where to purchase the stone for the plaque.

c.) Website

Mr. Francis was ill and could not attend the meeting. Casey will send out the information from him when she gets it.

d.) Mini-Grant Application:

Ken said that he has a couple that are starting a business and is interested in applying for a grant. He drafted a proposal letter that incorporated all the ideas put forth from the members. He asked that it be entered into the minutes. (*Proposal letter is spread out upon these minutes*) The members discussed other criteria for the grant.

4. NEW BUSINESS:

a.) Grant Writer / Stacey McKean

Ms. McKean was not present at the meeting.

b.) Landlord Focus Group

Casey wants to make this a reality. Members discussed ways to document all the landlords that own the buildings that house businesses in the Olde Towne area. It was suggested that Larry Chason would likely be of help since he knows some of them. Casey would like to have the meeting in April or May. Cathy asked Rebecca if she would get with Nancy Anderson, the GIS person for the city, to do an overlay of commercial buildings in the district.

c.) Map Update

Cathy reported that the Olde Towne Daphne West group is still working on the map of the city, and she had a conceptual drawing of what the map will look like. Members said this would be a great target for a mini-grant.

e.) Grant for Underground Utilities

Cathy reported on a teleconference that she had with Chris Baker with Thompson Engineering. He was formerly with Hutchinson, Moore and Rauch and knew that the DRA has been interested in putting the utilities underground for a while, and said that Thompson had a division that may be able to help achieve this goal. They spoke with Corey Thomas and Danny Gardner who have been successful in helping other municipalities receive grants. They explained they could do this through a Hazard Mitigation Grant, a Pre-mitigation grant. These are federal dollars, but administered through the State, and the State has its own priorities so it might take several attempts before they get a grant. Cory and Danny will do a flushing to get some figures together to see if it is feasible to apply for a grant. The grant would be 75% of the cost. Their fee for what the DRA wants would be around \$8,000 - \$10,000. They have a teleconference set up for Thursday with Tom Byrne at Riviera Utilities. The grants come out June 1st with the deadline in mid-October. It may be about a year and a half for it to come to fruition.

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE, AL
1705 MAIN STREET
FEBRUARY 27, 2012
5:30 P.M.

3

5. TREASURERS REPORT:

The balance in the reserve fund is \$72,245.83.

Casey said that she got the incorporation resolution and papers today for the Authority, and will set up a bank account tomorrow.

6. REPORT ON BEAUTIFICATION PROJECTS / DOROTHY MORRISON

Dorothy reported that Public Works received the go ahead from council to do the engineering and go out to bid for the Main Street road project. They are still working on the hill next to KFC. When the State installs the new curved overhead traffic lights they will put a bigger "Olde Towne Daphne" sign up.

The members discussed the lack of a Daphne directional sign on County Road 104 in Fairhope where County Road 104 turns off Section Street going east. People do not know which way to go from there to get to Daphne. Dorothy said that Mr. Johnson passed it along to the State.

7.

7. NEXT MEETING

The next meeting will be March 26, 2012 at 5:30 p.m.

8. ADJOURN

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Downtown Redevelopment Authority

**February 7, 2012
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M. at Daphne City Hall,
1705 Main Street, Daphne, AL in conference room.**

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Dennis Kearny, Dan Romanchuk, Joe Davis and Doug Bailey

Also present – David Cohen, Tommie Conaway, Josh Thorton and Mario Castaneda

2. OLD BUSINESS

None

3. TREASURERS REPORT

None

4. NEW BUSINESS

A call center is looking at locating in the City of Daphne and has requested assistance. Josh Thorton introduced Mario Castaneda, the owner of the proposed call center. Various board Members questioned Mr. Castaneda on the number of employees and what there company needs were. The initial first phase would establish 16 employees in the first year and the payroll would average above \$16 per hour. After Mr. Castaneda left the meeting the IDB discussed the merits and want Josh to bring back additional information at the next meeting.

5. OTHER BUSINESS

None.

6. ADJOURN

Motion by Mr. Bailey Seconded by Mr. Romanchuk To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 7:45 P.M.**

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

**FEBRUARY 27, 2012
CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING 6:00 P.M.
1705 MAIN STREET DAPHNE, AL
CITY HALL (In Conference Room)**

1. CALL TO ORDER/ROLL CALL

Members present – Toni Fassbender, Pokey Miller, Joe Davis, Angela Mayer, Doug Bailey.

Also present –Tommy Conaway, Robert Ingram, Josh Thorton.

MOTION BY Joe Davis to offer Fortitude Business Solutions six (6) months rent @\$1,500 per month beginning March 1, 2012 with a follow-up meeting prior to the end of the six (6) months to discuss possible further assistance from the IDB. The IDB will pay the landlord directly.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

They will create a letter of intent similar to the one for Plus Diagnostics. According to Josh Thornton there will be a maximum of 15 jobs created in this first phase of operation.

6. ADJOURN

Motion by Mr. Bailey Seconded by Ms. Davis To adjourn.

ALL IN FAVOR NONE OPPOSED MOTION CARRIED

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

Respectfully Submitted,

David L. Cohen, Secretary

Approved:

Toni Fassbender, Chairman

Daphne Industrial Development Board
1705 Main Street
Daphne, AL 36526

Dear Joshua Thornton:

The Daphne Industrial Development Board is excited about Fortitude Business Solutions, LLC locating their business processing firm in our community.

It is our understanding that the company has located space in Daphne at One Timber Way, Suite 200 and plans to employ 16 people by the end of the first year of operation, with those employees averaging \$15 per hour or more in wages, plus medical and other benefits. Local management will live in Baldwin County with a large majority of employees hired locally.

The Daphne IDB also understands the large potential economic impact that this project can make on our city and would like to offer to assist the company by providing rent assistance for up to 6 months with an update of the company's progress prior to the end of the 6 months. Based on the company's progress report, the Daphne IDB may consider offering further assistance.

Through this letter and based upon the commitments stated above concerning employment and wages, it is our intent to pay or subsidize rent for Fortitude Business Solutions, LLC. within the city limits of Daphne at up to a monthly rate of \$1500, not to exceed \$9000 for the 6 month period.

Upon receiving documentation of a rental agreement showing terms, the IDB will work with the appropriate rental agent to contract for payment by the IDB under the above described terms and limits.

The Daphne IDB greatly appreciates the opportunity to work with Fortitude Business Solutions, LLC and we thank you for choosing the City of Daphne.

Sincerely,

Toni Fassbender, Chairman
Daphne IDB

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER:

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

CALL OF ROLL:

Members Present:

Dan Gibson
Don Terry, Secretary
Larry Chason, Vice Chairman
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Joe Lemoine
Ed Kirby, Chairman
Bailey Yelding, Jr., Mayor
Victoria Phelps

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney

Staff Absent:

Misty Gray, Attorney
Erick Bussey, Associate Attorney
Richard Johnson, Public Works Director
Ashley Campbell, Environmental Programs Manager
Lonnie Jones, Code Enforcement Officer

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne
Rex Rentz, Code Enforcement Officer/Utilities Board of the City of Daphne

The first order of business is the call to order.

Vice Chairman: Please let the record reflect that Mr. Kirby, Ms. Phelps, Bailey Yelding, Jr., Mayor, and Mr. Lemoine are not present.

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

APPROVAL OF MINUTES:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The minutes of the December 15, 2011 regular meeting were considered for approval.

Vice Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Gibson *to approve the minutes of the December 15, 2011 regular meeting. The Motion carried. Mr. Terry abstained due to his absence at the meeting.*

NEW BUSINESS:

The next order of business is subdivision replat review for the Replat of Lot 2 & the West 100 acres of Lot 1, Orfner Subdivision.

SUBDIVISION REPLAT REVIEW:

File SRP12-01:

Subdivision: Replat of Lot 2 & the west 100 acres of Lot 1, Orfner Subdivision

Zoning(s): *Unzoned in Baldwin County in Extraterritorial Planning Jurisdiction*

Location: South of U.S. Highway 90

Area: 15 Acres ±

Owner: Crossroads, L.L.C. - Clarence Burke

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of Lot 2 & the west 100 acres of Lot 1, Orfner Subdivision. Originally, when we presented the subdivision exemption replat for Mr. Clarence Burke, Crossroads, L.L.C., Asphalt Services wished to purchase five acres. Now they would like to purchase an additional ten acres. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments? Is he wanting to purchase another five acres?

Mr. Diehl: The gentleman is wanting to purchase another ten acres from Mr. Burke.

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

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve an exempt replat review to move the common interior lot line between Lot 2 & the west 100 acres of Lot 1, Orfner Subdivision. The Motion carried unanimously.*

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

The next order of business is subdivision replat review for the Estates of Tiawasee, Replat of Lots 5 & 6.

File SRP12-02:

Subdivision: Estates of Tiawasee, Replat of Lots 5 & 6

Zoning(s): *R-1, Low Density Single Family Residential*

Location: Southwest of Lawson Road and County Road 13 on Cowles Crossing

Area: 1.58 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of the Estates of Tiawasee, Replat of Lots 5 & 6. The owner wishes to remove the common line and any easements on the lot line in order to make the lots into one lot. At site preview, there was some discussion regarding setbacks in relationship to the orientation of the residence on the lot. A note has been placed on the lot to say that the setbacks for those lots will be determined by Community Development. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve an exempt replat review to remove the common interior lot line between Lot 5 & 6 of the Estates of Tiawasee for the creation of Lot 5A. The Motion carried unanimously.*

The next order of business is subdivision replat review for the Estates of Tiawasee, Replat of Lots 9 & 10.

File SRP12-03:

Subdivision: Estates of Tiawasee, Replat of Lots 9 & 10

Zoning(s): *R-1, Low Density Single Family Residential*

Location: Southwest of Lawson Road and County Road 13 at the intersection of Paynes Gray Lane & North Lamhatty

Area: 1.41 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of the Estates of Tiawasee, Replat of Lots 9 & 10. I will be happy to answer any questions you may have.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry to **approve an exempt replat review to remove the common interior lot line between Lot 9 & 10 of the Estates of Tiawasee for the creation of Lot 9A. The Motion carried unanimously.**

The next order of business is subdivision replat review for the Estates of Tiawasee, Replat of Lots 19 & 20.

File SRP12-04:

Subdivision: Estates of Tiawasee, Replat of Lots 19 & 20

Zoning(s): *R-1, Low Density Single Family Residential*

Location: Southwest of Lawson Road and County Road 13 on Paynes Gray Lane

Area: 1.63 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of the Estates of Tiawasee, Replat of Lots 19 & 20. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry to **approve an exempt replat review to remove the common interior lot line between Lot 19 & 20 of the Estates of Tiawasee for the creation of Lot 19A. The Motion carried unanimously.**

The next order of business is subdivision replat review for the Estates of Tiawasee, Replat of Lots 33 & 34.

File SRP12-05:

Subdivision: Estates of Tiawasee, Replat of Lots 33 & 34

Zoning(s): *R-1, Low Density Single Family Residential*

Location: Southwest of Lawson Road and County Road 13 on North Lamhatty Lane

Area: 1.42 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Engineer: Preble-Rish - David Diehl

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of the Estates of Tiawasee, Replat of Lots 33 & 34. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry to **approve an exempt replat review to remove the common interior lot line between Lot 33 & 34 of the Estates of Tiawasee for the creation of Lot 34A. The Motion carried unanimously.**

The next order of business is subdivision replat review for the Estates of Tiawasee, Replat of Lots 37 & 38.

File SRP12-06:

Subdivision: Estates of Tiawasee, Replat of Lots 37 & 38

Zoning(s): R-1, Low Density Single Family Residential

Location: Southwest of Lawson Road and County Road 13 on North Lamhatty Lane

Area: 3.07 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Engineer: Preble-Rish - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Preble-Rish, requesting subdivision replat review of the Estates of Tiawasee, Replat of Lots 37 & 38. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments?

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry to **approve an exempt replat review to remove the common interior lot line between Lot 37 & 38 of the Estates of Tiawasee for the creation of Lot 38A. The Motion carried unanimously.**

Vice Chairman: The next order of business will be a zoning amendment and preliminary/final plat review for Blacksher White-Spunner, etal.

Ms. Jones: Mr. Chairman for the record, in order to move this forward from the Planning Commission to the City Council we would have to have six members present, and we do not have that right now.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: Mr. Coleman what have you decided you would like to do.

The next order of business under petitions is zoning amendment review for Blacksher White-Spunner, etal.

HIGHWAY 90 BUSINESS PARK:

PETITIONS:

ZONING AMENDMENT:

File Z12-01: Blacksher White-Spunner, etal

Present Zoning: R-3, High Density Multi-Family Residential

Proposed Zoning: B-1, Local Business

Location: On the southwest side of County Road 13 and U. S.
 Highway 90
Area: 3.40 Acres ±
Owner(s): B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J.
 White-Spunner, M.M. Cummings, Estate of David R. Coley,
 S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.
Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, we have decided we have attended the workshop and obtained comments from the Planning Commission members stating that you would like to see a master plan rather than the individual lot layout that we presented. Also, the developer has met with the property owners. What we would like to do is to ask to table the applications and work with you to present a master plan and get you some more details. The extension would allow us the time to do that.

Vice Chairman: If we table it, will it be subject to the time frame?

Ms. Jones and Mr. Ross: No.

Vice Chairman: For those of you that are here, there are two aspects of what they had on the agenda. One was a rezoning request, and the other was a replat of the property. What they have decided to do is to table this. For those of you that were not at the work session last Wednesday, the discussion centered around that this is a large tract of land, and the part they were proposing to rezone and subdivide is a very small piece. The Planning Commission encouraged them to go back and meet with some of you in order to get your concerns and comments. It is my understanding that they did this. In the span of a week, they have not been able to put together an absolute master plan which would show what they propose for the whole piece of property. Therefore, they are requesting to table this for thirty days. That is their choice to do that.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Vice Chairman: However, if there is anyone who is here tonight that would like to comment or ask questions in regard to the project we would allow you to come to the podium to address your concerns. However, this will be on the agenda again. You can choose to make your comments tonight or wait until it comes up again. It is whichever you would like to do. Mr. Coleman, if you do not have anything else, we will hear from the public and then we will take a vote on your request to table. The Chair opened public participation.

Mr. John Payne addressed the Commission. My wife and I are homeowners in the Oak Creek Subdivision which is adjacent to this approximate eighty-acre parcel where the three to four-acre parcel is being rezoned. We have done a lot of research and were looking forward to presenting our comments tonight. We are looking forward to working with the developer to make a plan that helps them, as well as, the Oak Creek and Lake Forest Subdivision. We do have concerns, and that is why we would like to see the eighty-acre master plan. There are storm water management concerns which have to be applied to something of that nature in order for the remaining seventy-five acres to connect to a creek. We just want to work with them and come up with something that gives us a large buffer zone which helps us and help them at the same time. I have no further comments. We look forward to seeing you then.

Vice Chairman: Anyone else?

Ms. Jones: The next regular meeting will be February 23rd. Our site preview meeting will be February 15th.

Vice Chairman: I would like to go ahead and let you know that the February 15th meeting is our work session. It is held at ten o'clock in the morning. You are welcome to attend that, but we do not take public comment during that meeting. It is a working session for the applicant to present his master plan proposal to the Planning Commission. On the 23rd, there will be a meeting like this. We will have a quorum. We will hear again from the developer, and we will take public comments. I am sorry that you came out tonight to see what was going to happen, but we do not have enough people to vote. It works out for the best anyway.

Ms. Barnette: I have a comment.

Vice Chairman: I was going to close public participation.

Ms. Barnette: What I was going to say is if they wanted to go ahead and state their comments, then we have heard them all and we know what they are so as we work with the applicant all of those will be on the table. All we know now is their concern regarding a buffer. If we know them all now, then we could move forward. That way they would be on the record.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jordan: I know you would like for us to do that. I just wanted to say very quickly until we see the final rezoning and plat application, then I do not really think it is appropriate to make a comment.

Vice Chairman: My congratulations to you if you would like to take that approach. I appreciate that. The gentleman in the back.

An adjacent property owner: She took care of my comment.

Vice Chairman: Is there anyone else? If there are no further comments, public participation is closed. Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion to table.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to table the zoning amendment review for Blacksher White-Spunner, etal. and the preliminary/final plat review for Highway 90 Business Park, Phase One. The Motion carried unanimously.*

The next order of business is preliminary/final plat review for Highway 90 Business Park, Phase One.

PRELIMINARY/FINAL PLAT REVIEW:

File SDFP12-01:

Subdivision: Highway 90 Business Park, Phase One

Present Zoning: *R-3, High Density Multi-Family Residential*

Proposed Zoning: *B-1, Local Business*

Location: On the southwest side of County Road 13 and U. S. Highway 90

Area: 3.40 Acres ±, (3) lots

Owner: B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J. White-Spunner, M.M. Cummings, Estate of David R. Coley, S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.

Engineer: Rester & Coleman Engineers - Joel Coleman

Presentation given with the zoning amendment review for Blacksher White-Spunner, etal. (See above).

The next order of business under new business is an administrative presentation for the revision to the City of Daphne Zoning and Street Map.

ADMINISTRATIVE PRESENTATION:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Ms. Nancy Anderson, the GIS Manager, of a revision to the zoning and street maps. Included in your packet is a zone and street revision report and exhibits which have been made to the maps. I need a motion from the Planning Commission recommending adoption of the revision to the zoning map and requesting acceptance of the street map. I will be happy to answer any questions you may have.

Vice Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A **Motion** was made by Ms. Barnette and **Seconded** by Mr. Terry *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the revision to the City of Daphne Zoning and Street Maps. The Motion carried unanimously.*

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

No public participation.

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

ATTORNEY'S REPORT:

Ms. Ross: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

Chairman: Do any of the Commissioners have any questions or comments?

No comments.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

Discuss revision to the preliminary plat for Dunmore Subdivision, Phase Two, Part C to change the proposed drainage ditch located on the southern property line of the project from a concrete to an earthen ditch, and to also add a note to the final plat which states, "the maintenance of the earthen will not be the responsibility of the City of Daphne, but shall be the responsibility of the developer and/or owner and subsequently the Property Owners' Association."

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF JANUARY 26, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Ms. Jones: There has been a modification to the preliminary plat of Dunmore Subdivision, Phase Two, Part C from a concrete to an earthen ditch. It is a minor modification, but I want to present it to the Planning Commission in order to make the modification a part of the record. Mr. Johnson and Ms. Campbell are ok with the proposed change.

Vice Chairman: Mr. Richard Johnson, the Public Works Director, was present at the site preview meeting and said that he was ok with the modification since the City would not be responsible for the maintenance. Do we need to take in action on this?

Ms. Jones: No. I just wanted to make sure that it was made part of the record.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

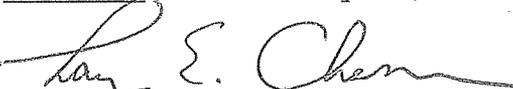
There being no further business, the meeting was adjourned at 5:23 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: February 23, 2012



Larry Chason, Vice Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 23, 2012 **FINAL**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



1. CALL TO ORDER DATE OF REPORT: FEBRUARY 24, 2012
2. CALL OF ROLL ED KIRBY, DAN GIBSON, LARRY CHASON, CATHY BARNETTE, CHIEF WHITE, AND MAYOR YELDING
3. APPROVAL OF MINUTES: *Review of minutes for the regular meeting of January 26, 2012. (APPROVED AS SUBMITTED).*
4. OLD BUSINESS:

A. HIGHWAY 90 BUSINESS PARK:

1. PETITIONS: (SIX MEMBERS WERE PRESENT AND THE MOTION FAILED TO SET FORTH A FAVORABLE RECOMMENDATION. FIVE MEMBERS VOTED IN THE AFFIRMATIVE AND ONE DISSENTED)

ZONING AMENDMENT:

File Z12-01: **Blacksher White-Spunner, etal**

Present Zoning: ***R-3, High Density Single Family Residential***

Proposed Zoning: ***B-1, Local Business***

Location: On the southwest side of County Road 13 and U. S. Highway 90
Area: 3.40 Acres ±
Owner(s): B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J. White-Spunner, M.M. Cummings, Estate of David R. Coley, S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.
Engineer: Rester & Coleman Engineers - Joel Coleman

2. PRELIMINARY/FINAL PLAT REVIEW:

File SDPF12-01: (TABLED UNTIL MAR. 22, 2012)

Subdivision: Highway 90 Business Park, Phase One

Present Zoning: ***R-3, High Density Single Family Residential***

Proposed Zoning: ***B-1, Local Business***

Location: On the southwest side of County Road 13 and U. S. Highway 90
Area: 3.50 Acres ±, (3) lots
Owner: B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J. White-Spunner, M.M. Cummings, Estate of David R. Coley, S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.
Engineer: Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 23, 2012 FINAL
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

5. NEW BUSINESS:

A. SITE PLAN REVIEW:

1. File S12-01: (APPROVED, CONTINGENT UPON THE INSTALLATION OF AN OIL AND GREASE SEPARATOR APPROVED BY THE PUBLIC WORKS DIRECTOR)

Site: Fresh Market, Jubilee Square Shopping Center

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

Location: Northeast of the intersection of U. S. Highway 90 and U. S. Highway 98

Area: 0.39 Acres ±

Owner: Blackwater Resources, L.L.C. - Phillip McAfee

Engineer: LEI Engineering - Wade Lowery

B. BROOKHAVEN, PHASE TWO A:

1. MASTER PLAN:

File MPA12-01: (APPROVED)

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting a master plan revision for Brookhaven Subdivision.

2. SUBDIVISION PRELIMINARY EXTENSION:

File SDPE12-01: (APPROVAL OF A ONE-YEAR EXTENSION SET TO EXPIRE ON FEBRUARY 23, 2013)

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting an extension of time for the approval of the preliminary plat for Brookhaven Subdivision, Phase Two B and Phase Three. The preliminary plat was approved by the Planning Commission on May 27, 2010.

3. FINAL PLAT REVIEW AND PETITION FOR STREET ACCEPTANCE:

File SDF12-01: (APPROVED)

Subdivision: Brookhaven, Phase Two A

Present Zoning: R-3, High Density Single Family Residential

Location: Northwest of the intersection of Whispering Pines Road and County Road 13

Area: 5.23 Acres ±, (14) lots

Owner: Feliciter Investment Group, L.L.C. - Nathan Cox

Engineer: Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 23, 2012 FINAL
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF12-02: (APPROVED)

Subdivision: TimberCreek Village, Phase Two (Lots 1, 1A and 1B of TimberCreek Village, Resubdivision of Lot 1 and TimberCreek Commercial, Resubdivision of Parcel "A" Unit Three, Resubdivision of Lot 3)

Present Zoning: B-2, General Business

Location: On the south side of U.S. Highway 31 and west of Alabama Highway 181

Area: 8.88 Acres ±, (3) lots

Owner: Baldwin AI Development, L.L.C.

Engineer: Rester & Coleman Engineers - Joel Coleman

D. SUBDIVISION REPLAT REVIEW:

1. File SRP12-07: (APPROVED)

Subdivision: Redfern Replat for Charles Renfroe

Zoning(s): Unzoned, Baldwin County, in extraterritorial planning jurisdiction

Location: Southwest of U.S. Highway 90 and Redfern Road

Area: 14.20 Acres ±

Owner: Charles A. Renfroe

Engineer: Preble-Rish - David Diehl

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

SET A PUBLIC HEARING DATE

APRIL 2, 2012

TO CONSIDER:

REZONE: Blacksher White-Spunner, etal

LOCTION: Southwest of the intersection of U.S. 90 and
County Road 13

PRESENT ZONING: R-3, High Density Single Family Residential District

PROPOSED ZONING: B-1, Local Business District

RECOMMENDATION: Failed for a favorable recommendation /
A super majority vote is needed for a favorable
recommendation / five (5) votes in the affirmative
and one (1) dissenting vote

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Blacksher White-Spunner, etal
Zoning Amendment Review
Date: February 27, 2012

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential

PROPOSED ZONING: B-1, Local Business

LOCATION: Southwest of the intersection of U. S. Highway 90 and County Road 13

RECOMMENDATION: At the Thursday, February 23, 2012, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth an favorable recommendation failed. Five members voted in the affirmative and one dissented. Although the majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, March 5, 2012 to set the public hearing for Monday, April 2, 2012.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Adjacent property owners' list
5. Map of property - Sketch
6. Conceptual Master Plan

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: SDPF12-01 Date Plat Submitted: 12/28/11
Tabled Without Presentation 1/26/12 Date Presented: 2/23/12

Name of Owner: Blacksher White-Spunner, et al

Address: PO Box 7475 Mobile, AL 36670 Telephone # (251) 471-1000
(Street or P.O. Box) (City) (State) (Zip Code)
D. Joel Coleman

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone # (251) 479-4518
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Highway 90 Business Park

Lot(s): 3 Unit n/a

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 12/28/11).

Meeting Dates:

Planning Commission: Tabled Without Presentation 1/26/12
Present 2/23/12

City Council: _____

Reason(s) for requesting the Zoning Amendment:

The property's location at the Southwest corner of U.S. Highway 90 and County Road 13 combined with the numerous other commercial developments along U.S. Highway 90 in this area, suggest that a B-1 zoning would be appropriate for this property.

D. Joel Coleman
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE
D. Joel Coleman - Rester and Coleman Engineers, Inc.
(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 n/a
- b) Name of Subdivision Highway 90 Business Park, Phase One
- c) Lot numbers involved in change Lots 1, 2 and 3
- d) Total acreage of change 3.4092 Acres
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? no
- g) If owned in part, name(s) of co-owner(s) :
see attached "List of Owners"

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired B-1
- c) Character of neighborhood Residential to the West and commercial to the Northeast

3) Certifications:

- a) Owner's Name Blacksher White-Spunner, et al
- b) Address PO Box 7475 Mobile, AL 36670
- c) Telephone Number (251) 471-1000
- d) Date 12/28/11

See attached letter of authorization

Signature of Property Owner

D. Joel Coleman
Signature of Property Owner

D. Joel Coleman
Rester and Coleman Engineers, Inc.
2 (Authorized Agent)

AGREEMENT

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

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

12/28/11

Date



Signature of Property Owner

D. Joel Coleman
Rester and Coleman Engineers, Inc.
(Authorized Agent)

BLACKSHER WHITE-SPUNNER, ET. AL.

(B. White-Spunner, R. Tindell, Jr., Jay E., L.L.C., J. White-Spunner, M.M. Cummings, Estate of David R. Coley, S. Coley, M.A. Ball, K.C. Coats, and AIRP, L.L.C.)

ZONING AMENDMENT REVIEW

SOUTHWEST OF COUNTY ROAD 13 AND U. S. HIGHWAY 90

EXHIBIT "A"

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

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO B-1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S-R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 275.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 148,500 SQUARE FEET OR 3.4092 ACRES.

REFERENCE: HIGHWAY 90 BUSINESS PARK

REVISED: FEBRUARY 8, 2012

HIGHWAY 90 BUSINESS PARK
ZONING AMENDMENT
LIST OF OWNERS

B. WHITE-SPUNNER
PO BOX 7475
MOBILE, AL 36670
(251) 471-1000

ROLLINS TINDELL, JR.
100 AUSTILL PLACE
MOBILE, AL 36608
(251) 473-1900

JAY-E, LLC
BY: B. WHITESPUNNER
PO BOX 7475
MOBILE, AL 36670
(251-) 471-1000

JOHN WHITE-SPUNNER, ET AL
PO BOX 7986
MOBILE, AL 36607
(251) 490-5189

MARL M. CUMMINGS, III
CUMMINS & ASSOCIATES, INC.
ONE HOUSTON STREET
MOBILE, AL 36606
(251) 476-6000

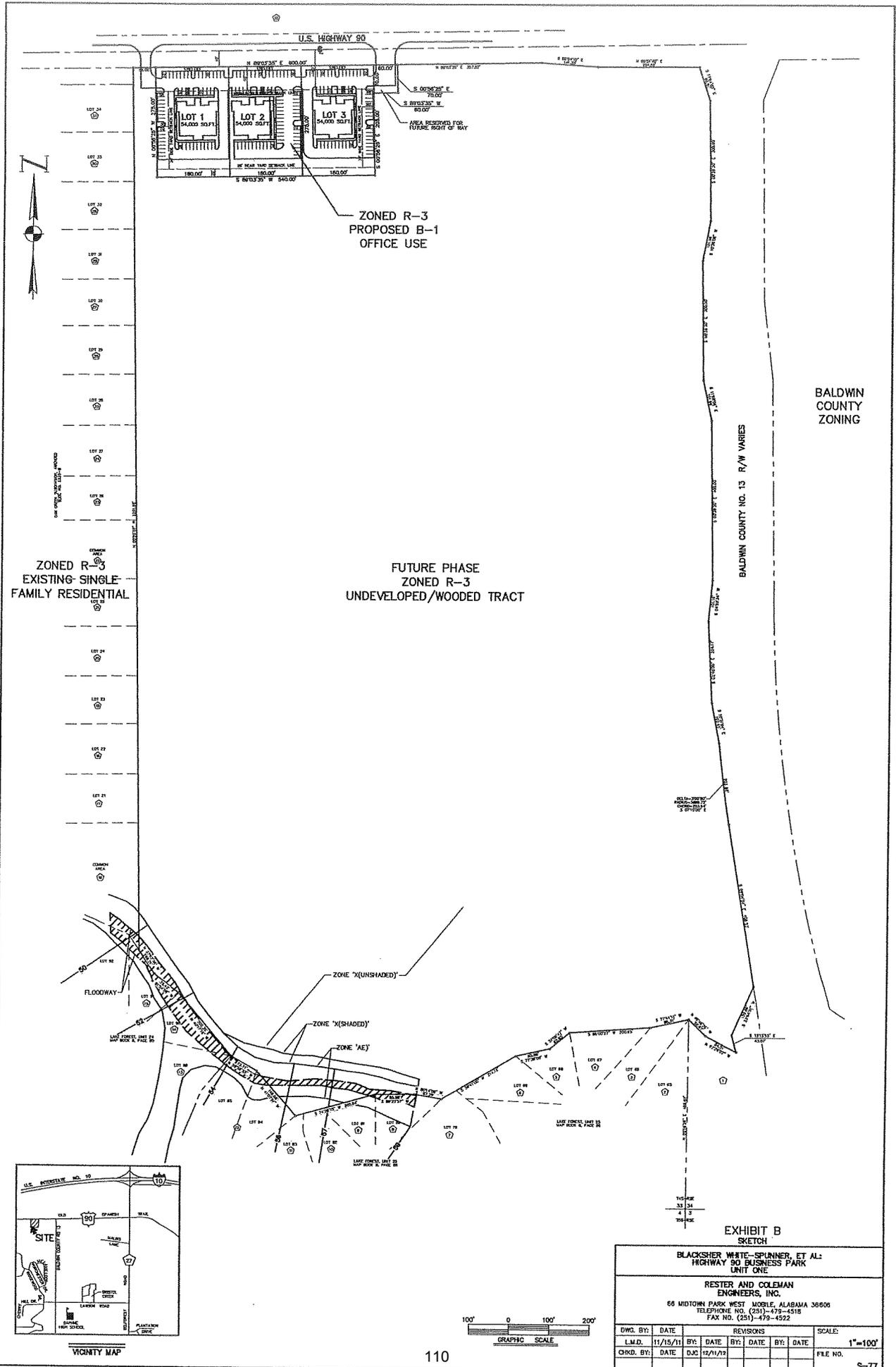
THE ESTATE OF DAVID R. COLEY
C/O ROBERT S. COLEY, PERSONAL REPRESENTATIVE
759 DOWNTOWNER LOOP WEST
MOBILE, AL 36609
(251) 344-2660

SEAN COLEY
GUARANTEE TITLE
PO BOX 9069
MOBILE, AL 36691
(251) 344-2660

MARY ANNE BALL
301 LONG COURT
MOBILE, AL 36608
(251) 341-5002

KARA COLEY COATS
94 SOOST COURT
MOBILE, AL 36608
(251) 343-9177

AIRP, LLC
BY: B. WHITE-SPUNNER
PO BOX 7475
MOBILE, AL 36670
(251) 471-1000



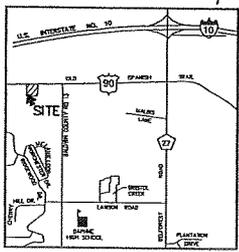
BALDWIN COUNTY ZONING

ZONED R-3
EXISTING SINGLE-FAMILY RESIDENTIAL

FUTURE PHASE
ZONED R-3
UNDEVELOPED/WOODED TRACT

ZONED R-3
PROPOSED B-1
OFFICE USE

BALDWIN COUNTY NO. 13 R/W VARIES



VICINITY MAP

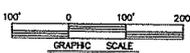
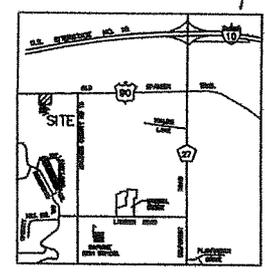
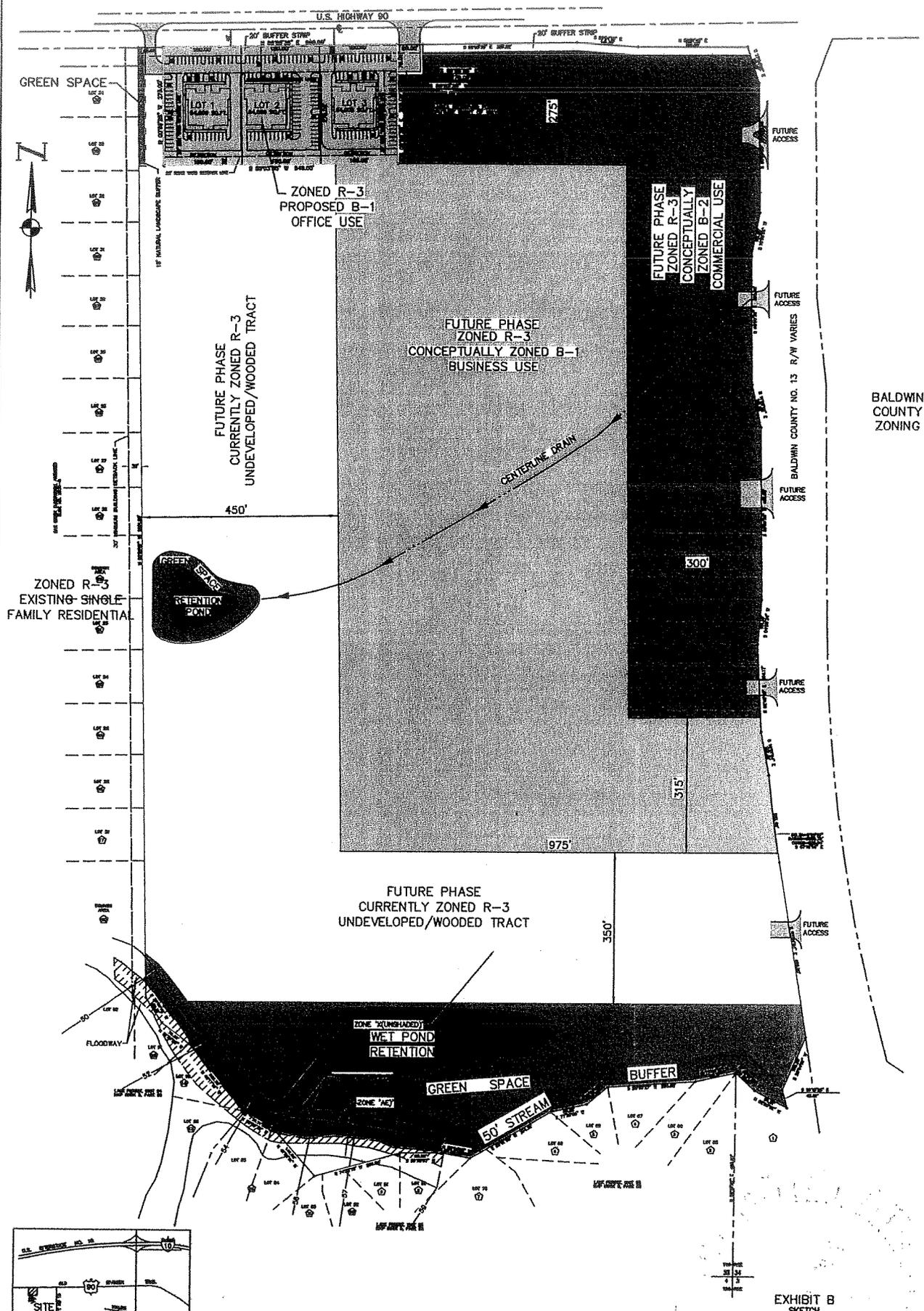


EXHIBIT B
SKETCH

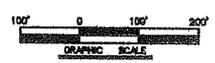
BLACKSHER WHITE-SPINNER, ET AL; HIGHWAY 90 BUSINESS PARK UNIT ONE												
RESTER AND COLEMAN ENGINEERS, INC. 66 MIDTOWN PARK WEST MOBILE, ALABAMA 36606 TELEPHONE NO. (251)-479-4515 FAX NO. (251)-479-4522												
DWG. BY:	DATE:	REVISIONS						SCALE:				
L.M.D.	11/15/11	BY:	DATE:	BY:	DATE:	BY:	DATE:	1"=100'				
CHKD. BY:	DATE:	D.J.C.	12/11/12					FILE NO.				



NOTE: THIS MAP IS CONCEPTUAL IN NATURE FOR CONSIDERATION IN THE ZONING OF LOTS 1, 2 AND 3 OF HIGHWAY 90 BUSINESS PARK, UNIT ONE.

EXHIBIT B
SKETCH

BLACKSHER WHITE-SPURNER ET AL: HIGHWAY 90 BUSINESS PARK PHASE ONE							
RESTER AND COLEMAN ENGINEERS, INC.							
60 LINTOWN PARK WEST MOBILE, ALABAMA 36608 TELEPHONE NO. (251)-478-4598 FAX NO. (251)-478-4522							
DRG. BY:	DATE:	REVISIONS				SCALE:	
D.W.	2/1/12	BY:	DATE:	BY:	DATE:	1"=100'	
CHKD. BY:	DATE:	DEC	2/16/12			FILE NO.	



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012-**

**Ordinance to Rezone Property Located
Southwest of the Intersection of U.S. Highway 90 and County Road 13
Blacksher White-Spunner, etal**

WHEREAS, Blacksher White-Spunner, etal, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to B-1, Local Business District; and,

WHEREAS, said real property is southwest of the intersection of U.S. Highway 90 and County Road 13, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3 TO B-1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, T4S-R2E, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE EAST BOUNDARY OF LAKE FOREST, UNIT 25, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 86 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG SAID EAST BOUNDARY OF LAKE FOREST, UNIT 25, RUN N 00° 16' 26" E 468.87 FEET TO THE NORTHEAST CORNER OF SAID LAKE FOREST, UNIT 25 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; SAID POINT BEING ON THE CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK; THENCE ALONG THE NORTH BOUNDARY OF SAID LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 44' 11" W 96.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 86° 00' 27" W 200.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 51° 06' 47" W 62.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 77° 39' 00" W 85.86 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 59° 41' 00" W 214.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 80° 14' 08" W 67.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 89° 25' 57" W 95.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN S 74° 28' 15" W 205.84 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 41° 02' 51" W 148.88 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 25 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 59° 59' 33" W 73.71 FEET TO THE NORTHEAST CORNER OF LAKE FOREST, UNIT 24, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 85 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 40° 17' 16" W 202.35 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 51° 54' 58" W 79.42 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH BOUNDARY OF LAKE FOREST, UNIT 24 AND SAID CENTERLINE OF THE EAST PRONG OF D'OLIVE CREEK, RUN N 32° 57' 38" W 69.21 FEET TO THE SOUTHEAST CORNER OF OAK CREEK SUBDIVISION, AS PER PLAT RECORDED ON SLIDE NO. 2205-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID OAK CREEK SUBDIVISION, RUN N 00° 50' 07" W 2201.98 FEET TO THE NORTHEAST CORNER OF SAID OAK CREEK SUBDIVISION; SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN N 89° 03' 35" E 65.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 89° 03' 35" E ALONG SAID SOUTH RIGHT OF WAY LINE OF U.S. HIGHWAY 90, RUN A DISTANCE OF 540.00 FEET TO A POINT; THENCE RUN S 00° 56' 25" W 275.00 FEET TO A POINT; THENCE RUN S 89° 03' 35" W 540.00 FEET TO A POINT; THENCE RUN N 00° 56' 25" E 275.00 FEET TO THE POINT OF BEGINNING. CONTAINING 148,500 SQUARE FEET OR 3.4092 ACRES.

WHEREAS, at the City of Daphne Planning Commission meeting on February 23, 2012 the Commission considered said request and failed to set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on April 2, 2012; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS _____ day of _____, 2012.

Cathy S. Barnette,
Council President

Bailey Yelding, Jr.,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:

Benedetto

CASE NO. 2012-4

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 2/8/12 (initial) HG

DATE FORWARDED TO POLICE DEPT. 2/18/12 HG

DATE RECEIVED BY POLICE DEPT. 2-9-12 RH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 2/22/12 HG

DATE FORWARDED TO CITY CLERK 2/22/12 HG

DATE RECEIVED BY CITY CLERK 2-22-12 RH

SCHEDULED DATE ON AGENDA 3-05-12 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120208083927031



Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Trade Name: **BENEDETTO** **Filing Fee:** \$100.00

Applicant: **BENEDETTO LLC** **Transfer Fee:**

Location Address: 1716 MAIN STREET STE C DAPHNE, AL 36526

Mailing Address: 15308 FREMONT CT FOLEY, AL 36535

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Sale of Products Containing Ephedrine: NO **Type Ownership:** LLC

Book, Page, or Document info: BOOK LR201107 PAGE 7513 **Do you sell Draft Beer:** N

Date Incorporated: 09/14/2011 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 09/14/2011 **Alabama State Sales Tax ID:** SLS-R007857670

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

DAVID PRESTON KELLEY 4508424 - AL	MEMBER	09/10/1961 ST LOUIS, MO	15308 FREMONT CT FOLEY, AL 36535
STEPHANIE ANN KELLEY 8455547 - AL	OWNER	08/04/1965 ALTOONA PA	15308 FREMONT CT FOLEY, AL 36535

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: STEPHANIE KELLEY

Business Phone: 251-625-0345

Fax:

Home Phone: 251-971-1077

Cell Phone: 251-269-0935

E-mail: SKELLEY465@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: WILL HUGHES CATERING AND MARKET¹¹⁷

Applicant: WILL HUGHES

Previous License Number(s)

License 1: 040-001315602

License 2: 060-001315602



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120208083927031**



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **DAPHNE LAND COMPANY, LLC 251-621-4140**
 What is lessors primary business? **REAL ESTATE SALES**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **1200** Display Square Footage:
 Building seating capacity: **40** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 Number of licenses in the vicinity: **6** Nearest: **1**
 Nearest school: **.5 miles** Nearest church: **.5 miles** Nearest residence: **.5 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name: Violation & Date: Arresting Agency: Disposition:

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120208083927031**



Initial each

Signature page

SAH

In reference to law violations, I attest to the truthfulness of the responses given within the application.

SAH

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

SAH

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

SAH

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

SAH

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

SAH

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

SAH

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

SAH

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

SAH

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): STEPHANIE ANN KELLEY

Signature of Applicant: Stephanie Ann Kelley

Notary Name (print): Betty G. Dean

Notary Signature: Betty G. Dean

Commission expires: 1/10/15

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120208083927031



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: PORTION OF SHOPPING CENTER

Bayside Academy

CASE NO. 2012-1

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 1/30/12 (initial) HG

DATE FORWARDED TO POLICE DEPT. _____

DATE RECEIVED BY POLICE DEPT. 2-2-12 JH

DATE: APPROVED [initials] DISAPPROVED _____

POLICE DEPT SIGNATURE [initials]

DATE RETURNED TO REVENUE DIV. 2-20-12 JH

DATE FORWARDED TO CITY CLERK 2-22-12 HG

DATE RECEIVED BY CITY CLERK 2-22-12 RH

SCHEDULED DATE ON AGENDA 3-05-12 RH

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120124084231931**

Type License: 140 - SPECIAL EVENTS RETAIL **State:** \$150.00 **County:** \$212.00

Type License: **State:** **County:**

Trade Name: BAY AFFAIR **Filing Fee:** \$50.00

Applicant: BAYSIDE ACADEMY INC **Transfer Fee:**

Location Address: 303 DRYER AVE DAPHNE, AL 36526

Mailing Address: 303 DRYER AVE DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Sale of Products Containing Ephedrine: NO **Type Ownership:** CORPORATION

Book, Page, or Document info: BOOK 418 PAGE 42 **Do you sell Draft Beer:** N

Date Incorporated: 08/01/1967 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 08/01/1967 **Alabama State Sales Tax ID:** EXM R007414660

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

THOMAS FULTON JOHNSON 6976022 - AL	HEADMASTER	11/18/1944 VALDOSTA, GA	507 POLO TRACE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: TAYLOR STRUNK

Business Phone: 251-338-6446

Fax:

Home Phone: 251-213-8822

Cell Phone: 251-213-8822

E-mail: TSTRUNK@BAYSIDEACADEMY.ORG

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

122

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120124084231931



If applicant is leasing the property, is a copy of the lease agreement attached?
 Name of Property owner/lessor and phone number: BAYSIDE ACADEMY 251-338-6300
 What is lessors primary business? EDUCATION
 Is lessor involved in any way with the alcoholic beverage business? YES
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES
 Is the business used to habitually and principally provide food to the public? NO
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 14000 Display Square Footage:
 Building seating capacity: 800 Does Licensed premises include a patio area? YES
 License Structure: TWO STORY License covers: ENTIRE STRUCTURE
 Number of licenses in the vicinity: 5 Nearest: .5
 Nearest school: .5 miles Nearest church: .5 miles Nearest residence: .5 miles
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120124084231931



Initial each

JJ

In reference to law violations, I attest to the truthfulness of the responses given within the application.

JJ

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

JJ

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

JJ

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

JJ

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

JJ

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

JJ

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

JJ

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

JJ

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Bayside Academy Inc.*

Signature of Applicant: *Jaylor Strunk POA*

Notary Name (print): *Lee Lawrence*

Notary Signature: *Lee Lawrence*

Commission expires: *11/12/2012*

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120124084231931



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 03/23/2012 Ending Date: 03/23/2012

Special terms and conditions for special event/special retail:

EVENT WILL START AT 5:00PM AND END AT 11:00PM

BEER IN 12OZ BOTTLES, WINE IN 6OZ CUPS, AND MIXED DRINKS IN 12OZ

Other Explanations

Is the lessor involved in any way with the alcohol beverage business?: APPLICANT FOR 140 LICENSE

Southern Napa

CASE NO. 2012-5

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 2/15/12 (initial) HG

DATE FORWARDED TO POLICE DEPT. 2/15/12 HG

DATE RECEIVED BY POLICE DEPT. 2-16-12 RH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 2/22/12 HG

DATE FORWARDED TO CITY CLERK 2/22/12 HG

DATE RECEIVED BY CITY CLERK 2-22-12 RH

SCHEDULED DATE ON AGENDA 3-05-12 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120215091206281



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **ROCKWELL RENTALS INC 251-928-9265**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3300** Display Square Footage:
 Building seating capacity: **40** Does Licensed premises include a patio area? **YES**
 License Structure: **TWO STORY** License covers: **BOTTOM FLOOR**
 Number of licenses in the vicinity: **2** Nearest: **.2**
 Nearest school: **.1 miles** Nearest church: **.1 miles** Nearest residence: **2 blocks**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name: Violation & Date: Arresting Agency: Disposition:

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120215091206281



Initial each

Signature page

JAC

In reference to law violations, I attest to the truthfulness of the responses given within the application.

JAC

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

JAC

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

JAC

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

JAC

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

JAC

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

JAC

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

JAC

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

JAC

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): James Cox

Signature of Applicant: *James Cox*

Notary Name (print): Lee Lawrence

Notary Signature: *Lee Lawrence*

Commission expires: 11/12/2012

Application Taken: 2-15-12 App. Inv. Completed:
 Submitted to Local Government:
 Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
 Received from Local Government:
 Forwarded to Central Office:

Pour Nelson's Pub

CASE NO. 2012-3

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 1/31/12 (initial) HG
DATE FORWARDED TO POLICE DEPT. 1/31/12 HG
DATE RECEIVED BY POLICE DEPT. 2-2-12 / 2-24-12 JH
DATE: APPROVED DISAPPROVED
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 2-24-12 [Signature]
DATE FORWARDED TO CITY CLERK 2/27/12 HG
DATE RECEIVED BY CITY CLERK 2/28/12 RH
SCHEDULED DATE ON AGENDA 3/05/12 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120131093014562



Type License: 010 - LOUNGE RETAIL LIQUOR - CLASS I State: County:
Type License: State: County:
Trade Name: **POUR NELSONS PUB** Filing Fee:
Applicant: **LBD ENTERPRISES LLC** Transfer Fee: \$50.00
Location Address: 28850 US HWY 98; STE 100 101 102 DAPHNE, AL 36526
Mailing Address: 117 CAMERON CIRCLE DAPHNE, AL 36526
County: BALDWIN Tobacco sales: YES Tobacco Vending Machines: 1
Sale of Products Containing Ephedrine: NO Type Ownership: LLC
Book, Page, or Document info: INST 1316384 Do you sell Draft Beer: Y
Date Incorporated: 12/16/2011 State incorporated: AL County Incorporated: BALDWIN
Date of Authority: 12/16/2011 Alabama State Sales Tax ID: R007908434

Name:	Title:	Date and Place of Birth:	Residence Address:
SHELIA NELSON 6662230 - AL	MEMBER	06/11/1949 VALPARIO, FL	117 CAMERON CIRCLE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: SHELIA NELSON
Business Phone: 251-445-8069
Fax:

Home Phone: 251-621-9855
Cell Phone: 251-391-1728
E-mail: NELSON_SHELIA@BELLSOUTH.NET

PREVIOUS LICENSE INFORMATION:
Trade Name: CLUB 44
Applicant: JD ENTERPRISES LLC

Previous License Number(s)
License 1: 010-001725802
License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120131093014562



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **ROBERT R WILLIAMS 251-343-9500**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3000** Display Square Footage:
 Building seating capacity: **200** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 Number of licenses in the vicinity: **1** Nearest: **1**
 Nearest school: **4 miles** Nearest church: **7 miles** Nearest residence: **.5 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120131093014562**



Initial each

Signature page

SN

In reference to law violations, I attest to the truthfulness of the responses given within the application.

SN

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

SN

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

SN

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

SN

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

SN

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

SN

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

SN

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

SN

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Shelia Nelson*

Signature of Applicant: *Shelia Nelson*

Notary Name (print): *Betty G. Dean*

Notary Signature: *Betty G. Dean*

Commission expires: *1/10/15*

Application Taken: *1/31/12* App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 Confirmation Number: 20120131093014562



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
 JD ENTERPRISES LLC
 Address: 28850 HWY 98
 DAPHNE, AL 36526
 Telephone: 251-753-2000

NEW APPLICANT:
 LBD ENTERPRISES LLC
 Address: 117 CAMERON CIRCLE
 DAPHNE, AL 36526
 Telephone: 251-445-8069

Current License No: 010-001725802

LICENSED PREMISES ADDRESS: 28850 US HWY 98 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 31st day of January, 2012.

CURRENT LICENSEE (NAMED ON LICENSE)

JD Enterprises LLC
 + [Signature]
 Print Name: Josh Donaldson
 Title: Member

NEW LICENSEE (APPLICANT)

LBD Enterprises LLC
 x [Signature]
 Print Name: Shelia Nelson
 Title: LBD Member

WITNESS: (By ABC Enforcement) [Signature]
 Revised 9/08



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120131093014562



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: PORTION OF SHOPPING CENTER

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

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

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

RESOLUTION 2012-15

**Acceptance of Streets and Drainage
located in Brookhaven Subdivision, Unit Two, Part A**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Brookhaven Subdivision, Unit Two, Part A on February 23, 2012, and the City of Daphne hereby recommends acceptance of said street(s) located in Brookhaven Subdivision, Unit Two, Part A; and,

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Brookhaven Subdivision, Unit Two, Part A; and,

Whereas, the Utilities Board of the City of Daphne has accepted the utilities of Brookhaven Subdivision, Unit Two, Part A; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Brookhaven Subdivision, Unit Two, Part A according to the plat presented by Rester & Coleman Engineers as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, and said street(s) being named Bainbridge Drive East and Bainbridge Drive North are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2012.

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.
MAYOR**

ATTEST:

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

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

SUBDIVISION NAME: Brookhaven, Unit Two, Part "A"

LOCATION: At the North terminus of Bainbridge Drive East

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 8th day of February, 2012 by Feliciter Investment Group, LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Brookhaven, Unit Two, Part "A" Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$9,500.00) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of February 23, 2012. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named _____

Bainbridge Drive East and Bainbridge Drive North

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date setforth above.

Respectfully submitted,

Feliciter Investment Group, LLC
Name of Individual or Corporation

By: 

Its: Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that Nathan Cox whose name as manager of ^{Feliciter}Feliciter Investment Group, LLC, an Alabama corporation or as owner of Brookhaven, Unit Two, Part "A" is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 1 day of February 2012

Mary Dorgan Gore (NOTARY SEAL)
NOTARY PUBLIC

My commission expires: June 13, 2015

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

Recommendation:



Richard Johnson, Public Works Director
City of Daphne

Approval:



Planning Commission Chairman
City of Daphne

MAINTENANCE BOND

BOND NUMBER 21BCSFW2298

KNOW ALL MEN BY THESE PRESENTS, That we, Summit Industries, LLC
P. O. Box 1040, Magnolia Springs, AL 36555

(hereinafter called the Principal), and HARTFORD FIRE INSURANCE COMPANY (hereinafter called the Surety),
are held and firmly bound unto City of Daphne

(hereinafter called the Obligee), in the full and just sum of Nine Thousand Five Hundred & no/100---
(\$9,500.00)----- Dollars,

lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves,
our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Principal has entered into a certain contract with Feliciter Investments, LLC (Owner) for
Roadway and Drainage for Brookhaven Subdivision Phase 2

which contract has been or is about to be completed and accepted.

AND WHEREAS, specifications and contract provided that Summit Industries, LLC
should guarantee the project free from defects caused by faulty workmanship and materials for a period of
2 years, general wear and tear excepted.

NOW, THEREFORE, if the said project shall be free from defects of workmanship and materials, general
wear and tear excepted, for a period of 2 years, then this obligation shall be null and void; otherwise to
remain in full force and effect.

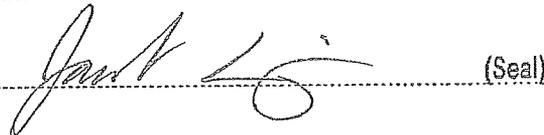
Signed, sealed and delivered February 1, 2012

Witness as to

Principal



Summit Industries, LLC

 (Seal)

HARTFORD FIRE INSURANCE COMPANY

 (Seal)
J. William Goodloe, III Attorney-in-fact

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

One Hartford Plaza

Hartford, Connecticut 06155

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

Agency Code: 21-250403

KNOW ALL PERSONS BY THESE PRESENTS THAT:

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

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

*Gaylord C. Lyon Jr., W.E. Cadden, Charlene C. Stout, Virginia M. Byrd, Rebecca Ward,
Roland G. Fry Jr., Erling Riis III, J. William Goodloe III, O.M. Otts IV*
of
Mobile, AL

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

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Scott Sadowsky

Scott Sadowsky, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss. Hartford

On this 3rd day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of February 1, 2012

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Brookhaven Subdivision, Phase Two A
Acceptance of Roads and Rights-of-Ways
Date: February 24, 2011

LOCATION: Northwest of the intersection of Whispering Pines Road and County Road 13

RECOMMENDATION: At the February 23, 2012, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a ***favorable recommendation*** for the acceptance of Bainbridge Drive East and Bainbridge Drive North as a city street for maintenance.

Attached please find said documentation for placement on the Monday, March 5, 2012 City Council agenda.

Thank you,
ADJ/jd

cc: file
Richard Johnson, Public Works Director

attachment(s)

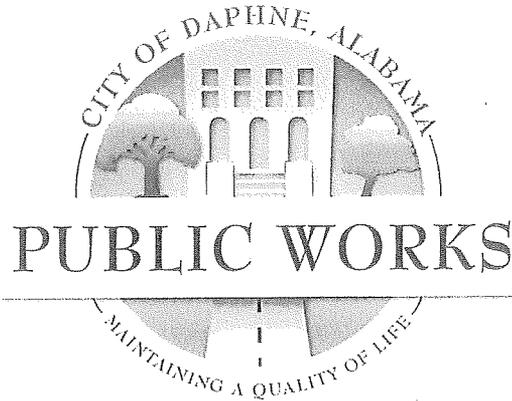
1. Memorandum from the Public Works Director
2. Correspondence from project engineer requesting acceptance
3. Petition of Acceptance of Roads and Rights-of-Ways
4. Copy of Maintenance Bond
5. Resolution

Bailey Yelding, Jr.
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

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



Tommie Conaway
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly D. Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

Memorandum

To: Adrienne Jones, Director; Community Development
From: Richard D. Johnson, P.E.; Public Works Director
CC: PW Superintendent; Streets Supervisor; Joel Coleman, PE, Rester & Coleman Engineers; File
Date: February 8, 2012
Re: Brookhaven, Phase Two A – Final Inspection Roads & Drainage

Adrienne:

All Public Works Infrastructure (roadways and drainage) for the above referenced development was inspected on February 8, 2012. No deficiencies were noted.

Furthermore, the "As Built" Drawings and Material Testing Reports have been reviewed, approved and accepted by Daphne Public Works.

It is my recommendation that the Final Plat should be approved and accepted barring any deficiencies noted by other reviewing agencies.

Yours,

RDJ

RESTER AND COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST - (251)479-4518
MOBILE, AL 36606

February 1, 2012

City of Daphne
Director of Community of Development
P.O. Box 400
Daphne, AL 36526

Attn: Mrs. Adrienne Jones.

Re: Brookhaven, Unit Two, Part "A"

Dear Mrs. Jones:

Please accept this letter as our request for the City of Daphne to accept the streets and right-of-ways with the above mentioned subdivision. These include Bainbridge Drive East (381 l.f. - 50' R.O.W.) and Bainbridge Drive North (238 l.f. - 50' R.O.W.).

Please notify us if you have any questions or require any further information.

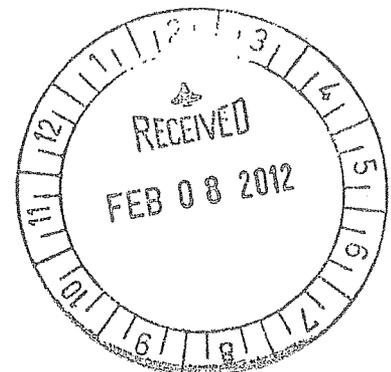
Sincerely,

RESTER & COLEMAN ENGINEERS, INC.



D. Joel Coleman

jc



RESOLUTION 2012-16

RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE A WARRANT PURCHASE AGREEMENT BETWEEN THE CITY AND GARDNYR MICHAEL CAPITAL WITH RESPECT TO THE SERIES 2012 WARRANTS

BE IT RESOLVED by the City Council (the "Council") of Daphne, Alabama (the "City"), as follows:

Section 1. Findings of Fact. The Council has determined and hereby finds and declares that the following facts are true and correct:

- (a) The City of Daphne, Alabama (the "City") has heretofore issued, pursuant to an Ordinance adopted by the Council on August 19, 2002 (the "2002 Ordinance"), its City of Daphne General Obligation Warrants, Series 2002, dated August 1, 2002, originally issued in the aggregate principal amount of \$2,660,000 (the "Series 2002 Warrants").
- (b) The City has heretofore issued, pursuant to an Ordinance adopted by the Council on September 5, 2006 (the "2006 Ordinance"), its City of Daphne Limited Obligation Special Tax Warrants, Series 2006, dated August 1, 2006, originally issued in the aggregate principal amount of \$9,090,000 (the "Series 2006 Warrants").
- (c) The City is not in default in the payment of principal of or interest on the Series 2002 Warrants or the Series 2006 Warrants or under the 2002 Ordinance or the 2006 Ordinance.
- (d) It is necessary, advisable and in the public interest for the City to pay the cost of various road construction and improvement projects, which projects are expected to have a cost of at least \$3,000,000 (the "2012 Improvements").
- (e) The City does not currently have available funds necessary to pay for the 2012 Improvements.
- (f) It is necessary, advisable and in the interest of the public that the City issue its General Obligation Warrants, Series 2012 (the "Series 2012 Warrants") to provide funds to refund the Series 2002 Warrants and the Series 2006 Warrants, to finance all or a portion of the 2012 Improvements, and to pay costs of issuance and sale of such Warrants.

Section 2. Authorization with respect to the Series 2012 Warrants. The preparation and distribution of a Preliminary Official Statement with respect to the Series 2012 Warrants is hereby ratified and affirmed. The Mayor is hereby authorized to take all such actions as are necessary and appropriate to present the Series 2012 Warrants to the

Council, including, without limitation, preparing authorizing proceedings for presentation to and approval of the Council. In the event he determines that it is desirable to do so in order to obtain favorable interest rates with respect to the Series 2012 Warrants, the Mayor is hereby authorized to execute a Warrant Purchase Agreement between the City and Gardnyr Michael Capital, Inc. with respect to the sale of the Series 2012 Warrants, which Warrant Purchase Agreement shall be subject, however, to final approval by the Council of an Authorizing Resolution with respect to the Series 2012 Warrants.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL
CORPORATION**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING Jr.,
MAYOR, CITY OF DAPHNE**

ATTEST:

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

AUGUST 15, 2011
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

MOTIONS:

MOTION BY Councilman Boulware to authorize the Finance Director to work with Gardnyr Michael Capital & Hand Arendall to structure the refunding and take the steps necessary to refund the 2006 Limited Liability Revenue Warrants. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to go out for bid for two (2) F150 Trucks: Street & Solid Waste for FY12 Budget. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Treasurers Report / July 31, 2011:

MOTION BY Councilman Boulware to accept the Treasurers Report as of July 31, 2011, in the amount of \$19,421,404.41. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Sales and Use Tax Reports June 30, 2011:

Sales and Use Tax Collected for June 2011 - \$946,356
Sales and Use Tax Budgeted for June 2011 - \$876,618
Over Budget (for June) - \$ 69,738

YTD Budget Collections Variance – Over Budget - \$755,045

Lodging Tax Collections, June 2011:

The Lodging Tax Collections report shows \$67,544.77 collected for June, 2011

The next meeting will be September 12th at 4:00 p.m. in the Executive Conference Room.

Warrant Refinance Timeline		
DATE	WHO	DESCRIPTION
August 8, 2011	Finance Committee	GMC presentation regarding refunding the 2002 & 2006 warrants creating substantial savings to the city
August 10, 2011	Finance Director	Memo prepared by Ms. Briley recommending refunding the 2006 Warrant (7.5% Interest Rate) to lower the interest rate and create significant saving to the City in terms of total debt service
August 15, 2011	Council Meeting	Minutes of the 8/8/2011 Finance Committee were included in the Council Meeting packet.
August 23, 2011	Hand Arendall	Memo from Hand Arendall outlining the services to be performed as bond council in connection with the Series 2011 Warrant (2002 & 2006 Refund/Refinance) - including Bond Legal Opinion, drafting of proceedings and agreements governing issuance, authorization, issuance and delivery of the warrant, federal tax compliance, Official Statements of disclosure for sale of the warrants, continuing disclosure required by the SEC, submission of IRS Form 8038-G & a full transcript of the proceeding pertaining to the warrants.
November 1, 2011	DAC	DAC BOND - Preliminary Official Statement
December 1, 2011	Standard & Poor's	Send updated ratings report
December 7, 2011	Hand Arendall	Sent their drafted Series 2011 Ordinance (34 page document) for approval and use during the December 19, 2011 Council Meeting
December 9, 2011	Bank of New York Melon	Bank of New York Melon Contract
December 12, 2011	Finance Committee	GMC presented updated bond rate information
December 12, 2011	Work Session	GMC presented updated bond rate information
January 3, 2012	Council Meeting	Fairhope Bank Loan - incorrect information disseminated at the meeting by Councilman Boulware, Mayor requesting that a Placement Agent be named
January 4, 2012	Deputy Finance Director	Memo email to all Council Members
January 10, 2012	Work Session	Presentation - Actual Fairhope Loan Details & Bank Loan vs. Bonds
January 23, 2012	Bank Loan RFP	Pursuant to the MOTION passed on 1/3/2012, bank loan RFP was sent out.
January 27, 2012	Bank Loan RFP	RFP participation deadline: 12:00PM CST on 2/27/2012
January 31, 2012	Deputy Finance Director	Memo email to all Council Members
February 13, 2012	Work Session	Presentation by Deputy Director - RFP Process and RFP Summary Information
February 17, 2012	GMC email to Public FA, Inc	Phil Hunt emailed Phil Dotts a copy of the article regarding the FINRA complaint against GMC for consideration prior to release of their Official Opinion
February 17, 2012	Public F.A., Inc	Conclusion - We conclude that the initial decision to pursue a public sale was appropriate. We believe that either a negotiated public sale or competitive sales would be successful. We also conclude that the RFP process was conducted in a reasonable manner and there was no bias associated with the process.
		Public F.A. Inc. official opinion emailed at 11:51AM CST

OUTCOME

MOTION - by Mr. Scott to recommend Council take advantage of the City's credit rating and refinance the 2006 Special Tax Warrant and consider the savings to determine whether it should be realized on the front end, back end or to repay the loan. Seconded by Mr. Yielding. **MOTION CARRIED.**

Included in the 8/15/2011 Council Packet

MOTION - by Councilman Boulware to authorize the Finance Director to work with Gardnyr Michael Capital and Hand Arendall to structure the refunding and takes the steps necessary to refund the 2006 Limited Liability Revenue Warrants. Seconded by Councilman Scott. All in favor. None opposed. **MOTION CARRIED**

Hand Arendall began the lengthy refunding / refinance process

Issued preliminary statement regarding the issuance of the Series 2011 Warrant through Gardnyr Michael Capital

City's S&P rating was upgraded to AA/Stable

The City's Attorney, Mr. Ross, and the Paying Agent (BANK OF NEW YORK MELON) both approved of the ordinance.

BNYM overnighted their contract for signature naming them the Paying Agent

Updated to be presented at same evening work session.

Derek brought up the incorrect Fairhope Bank Loan deal resulting in a stand still regarding the refinance

MOTION - by Councilmen Scott to authorize Gardnyr Michael as the Underwriter/Placement Agent to obtain bond bids and bank bids for the refinancing Series 2002 & 2006 Warrants and bring back to the city council for review and final decision. Seconded by Councilman Lake, AYE - Conway, Lake, Scott, Barnette, Nay - Reese, Boulware, Palumbo. **MOTION CARRIED**

Confirmation of the ACTUAL Fairhope loan details.

n/a

Open Date

Close Date

Bond/Bank RFP Summary Memo and Excel documentation

Deputy Director's credentials questions and it was determined that an FA should review the RFP process and the results of the RFP.

GMC email sent at 8:45AM CST.

RESOLUTION NO. 2012-17

**ADOPTING THE 2011 SUPPLEMENT OF THE 2005 EDITION
OF THE CODIFICATION OF ORDINANCES
FOR THE CITY OF DAPHNE, ALABAMA**

WHEREAS, the City of Daphne shall by this ordinance adopt the 2011 Supplement Edition of the Codification Manual for the City of Daphne; and

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

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

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

- 1.) That a public hearing shall be held on April 2, 2012 concerning the adoption of an Ordinance to adopt the 2011 Supplement of 2005 Edition of the Codification of Ordinances, and amendments thereto.
- 2.) That this resolution shall be published once a week for two consecutive weeks prior to said hearing.
- 3.) That three copies of said Code shall be filed for not less that fifteen (15) days prior to the holding of the public hearing for use and examination by the public in the Office of the City Clerk.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this ____ day of ____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

**RESOLUTION 2012-18
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
HEREBY AUTHORIZES THE FOLLOWING:**

prepaid travel expenses are approved for the purpose and amount indicated below for the following:

John Lake / National League of Cities Congressional Cities Conference / Washington, D.C. / March 10-14, 2012 / \$175

Tommie B. Conaway, National League of Cities Congressional Cities Conference / Washington, D.C. / March 10-14, 2012 / \$175

David Cohen National League of Cities Congressional Cities Conference / Washington, D.C. / March 10-14, 2012 / \$175

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on
this ____ day of _____, 2012.**

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

David L. Cohen,
City Clerk MMC

RESOLUTION 2012-19

RESOLUTION TO AUTHORIZE THE MAYOR & THE DIRECTOR OF PUBLIC WORKS TO APPLY FOR THE STATE OF ALABAMA'S TRANSPORTATION REHABILITATION AND IMPROVEMENT PROGRAM (ATRIP)

WHERE AS, Governor Robert Bentley on behalf of the State of Alabama procured approximately \$200 million to \$300 million dollars from the Federal Government and with those funds created the ATRIP Grant to assist cities and counties throughout Alabama with urgent transportation infrastructure needs to be awarded and distributed in three phases with the following cost sharing methodology:

80% Federal / 20% City split, with the City responsible for all related engineering & design costs.

WHERE AS, the Mayor and Director of Public Works have identified specific transportation infrastructure needs throughout the City of Daphne as follows:

Phase 1 - Application due 3/31/2012			
Project	Total Cost	80% Federal	20% City + Eng/Design
#2012-B : Main Street/Holly Cross to Bayfront	\$676,332	\$520,414	\$155,918
#2012-C: Well Road Extension (PW to CR13)	\$196,597	\$139,734	\$56,863
Profit Dr. Extension (Profit Rd. to Johnson Rd.)	\$294,751	\$219,677	\$75,073
		\$1,243,28	
Johnson Rd. Extension to CR13	\$1,652,315	4	\$409,031
		\$2,123,11	
PHASE 1 TOTALS:	\$2,819,995	0	\$696,886

Phase 2 - Application due 10/31/2012			
Project	Total Cost	80% Federal	20% City + Eng/Design
Round-A-Bout: CR13/CR61	\$630,000	\$444,000	\$186,000
		\$1,074,93	
Lake Forest: Ridgewood Dr. - North Route	\$1,429,964	8	\$355,025
Johnson Rd. Extension to CR13 to SR181	\$965,580	\$708,624	\$256,956
		\$2,227,56	
PHASE 2 TOTALS:	\$3,025,544	2	\$797,981

Phase 3 - Application due 3/31/2013			
Project	Total Cost	80% Federal	20% City + Eng/Design
Lake Forest: Bayview & Ridgewood Dr. - South Route	\$2,502,436	\$1,881,14	\$621,295
		2	
Lake Forest: Bridge Replacement Bayview/Lake Forest	\$1,170,000	\$876,000	\$294,000
		\$2,757,14	
PHASE 3 TOTALS:	\$3,672,436	2	\$915,295

TOTAL ATRIP GRANT APPLICATION:	\$9,517,975	\$7,107,81	\$2,410,162
		4	

BE IT RESOLVED by the City Council (the “Council”) of Daphne, Alabama (the “City”), with the understanding of the City’s financial responsibilities toward the grant if awarded, the Mayor and the Director of Public Works are hereby authorized to apply for all three phases of the ATRIP Grant. If awarded, the Council’s approval via ordinance will be necessary to appropriate the funds equal to 20% of the total construction expenses plus all related engineering costs for each approved project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL
CORPORATION**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR, CITY OF DAPHNE**

ATTEST:

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

RESOLUTION TO AUTHORIZE THE MAYOR & THE DIRECTOR OF PUBLIC WORKS TO APPLY FOR THE STATE OF ALABAMA’S TRANSPORTATION REHABILITATION AND IMPROVEMENT PROGRAM (ATRIP)

WHERE AS, Governor Robert Bentley on behalf of the State of Alabama procured approximately \$200 million to \$300 million dollars from the Federal Government and with those funds created the ATRIP Grant to assist cities and counties throughout Alabama with urgent transportation infrastructure needs to be awarded and distributed in three phases with the following cost sharing methodology:

80% Federal / 20% City split, with the City responsible for all related engineering & design costs.

WHERE AS, the Mayor and Director of Public Works have identified specific transportation infrastructure needs throughout the City of Daphne as follows:

Phase 1 - Application due 3/31/2012			
Project	Total Cost	80% Federal	20% City + Eng/Design
#2012-B : Main Street/Holly Cross to Bayfront	\$676,332	\$520,414	\$155,918
#2012-C: Well Road Extension (PW to CR13)	\$196,597	\$139,734	\$56,863
Profit Dr. Extension (Profit Rd. to Johnson Rd.)	\$294,751	\$219,677	\$75,073
Johnson Rd. Extension to CR13	\$1,652,315	\$1,243,284	\$409,031
PHASE 1 TOTALS:	\$2,819,995	\$2,123,110	\$696,886

Phase 2 - Application due 10/31/2012			
Project	Total Cost	80% Federal	20% City + Eng/Design
Round-A-Bout: CR13/CR61	\$630,000	\$444,000	\$186,000
Lake Forest: Ridgewood Dr. - North Route	\$1,429,964	\$1,074,938	\$355,025
Johnson Rd. Extension to CR13 to SR181	\$965,580	\$708,624	\$256,956
PHASE 2 TOTALS:	\$3,025,544	\$2,227,562	\$797,981

Phase 3 - Application due 3/31/2013			
Project	Total Cost	80% Federal	20% City + Eng/Design
Lake Forest: Bayview & Ridgewood Dr. - South Route	\$2,502,436	\$1,881,142	\$621,295
Lake Forest: Bridge Replacement Bayview/Lake Forest	\$1,170,000	\$876,000	\$294,000
PHASE 3 TOTALS:	\$3,672,436	\$2,757,142	\$915,295

TOTAL ATRIP GRANT APPLICATION:	\$9,517,975	\$7,107,814	\$2,410,162
---------------------------------------	--------------------	--------------------	--------------------

BE IT RESOLVED by the City Council (the “Council”) of Daphne, Alabama (the “City”), with the understanding of the City’s financial responsibilities toward the grant if awarded, the Mayor and the Director of Public Works are hereby authorized to apply for

all three phases of the ATRIP Grant. If awarded, the Council's approval via ordinance will be necessary to appropriate the funds equal to 20% of the total construction expenses plus all related engineering costs for each approved project.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
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CORPORATION**

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COUNCIL PRESIDENT**

**BAILEY YELDING,
MAYOR, CITY OF DAPHNE**

ATTEST:

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



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110

Telephone: 334-242-6311 FAX: 334-262-8041



Robert Bentley
Governor

John R. Cooper
Transportation Director

February 13, 2012

County Commission Chairs
Mayors

Dear Chairman/Mayor:

In his State of the State Address, Governor Robert Bentley announced an initiative to further assist cities and counties address their urgent transportation infrastructure needs. The initial effort to accomplish this goal will be in the form of the Alabama Transportation Rehabilitation and Improvement Program (ATRIP). This is a \$200 to \$300 million program, commencing now and implemented with reasonable speed, that will accelerate funding for critically needed transportation construction projects.

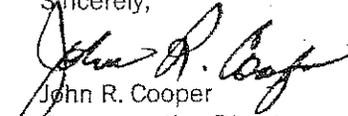
Eligible projects are those that address critical needs such as safety, economic development, and community connectivity as well as enjoy the sponsor's willingness and ability to provide the required matching funds. Since these are federal funds all the usual procedures and constraints associated with the federal aid program are applicable to each selected project.

Local governments and local public/private partnerships are encouraged to propose projects for funding consideration using the attached guide that describes the program objectives as well as project selection criteria and application deadlines. In addition to the written application, local sponsors will be given a meaningful opportunity to present their proposals.

To coordinate this program, I have appointed Mr. Terry W. Robinson to serve as the ATRIP Program Coordinator. He can be contacted at 334.242.6443 or robinsont@dot.state.al.us.

I look forward to working with you as we collectively address the transportation infrastructure needs in Alabama.

Sincerely,


John R. Cooper
Transportation Director

JRC/TWR

Attachment

cc: Association of County Commissions of Alabama
Alabama League of Municipalities
Alabama Road Builders Association
File

Proposed City of Daphne ATRIP Projects - 2012-2013

Order/ App Date	Project	Mileage	Construction	Engineering		Total	Cost Sharing	
				Survey & Design	Testing		CE&I	Federal 80%
1 March 2012	Project 2012-B - Main Street - Holy Cross to Bayfront (18,247 L.F. - 3.45 miles) - Mill and Overlay (1500 L.F. Base Repairs)	3.45	\$588,889.56	\$25,814.21	\$20,651.36	\$676,332.18	\$520,414.38	\$155,917.80
2 March 2012	Project 2012-C - Well Road Extension - Public Works Road to CR13 (1,400 L.F. - 0.265 miles) - New Road & Drainage	0.265	\$144,267.00	\$21,930.00	\$3,600.00	\$196,597.00	\$139,733.60	\$56,863.40
3 March 2012	Proposed Project 2012-D: Profit Drive Extension - Profit Drive to Johnson Road	0.275	\$251,923.63	\$20,153.89	\$7,557.71	\$294,750.64	\$219,677.40	\$75,073.24
4 March 2012	Proposed Project 2012-E: Johnson Road Extension to County Road 13 - Bottom Crossing with Bridge	1.74	\$1,413,105.30	\$98,210.00	\$30,000.00	\$1,652,315.30	\$1,243,284.24	\$409,031.06
5 October 2012	Proposed Project 2013-A: Intersection of CR13 and Cr 64 - Round-A-Bout	0.25	\$500,000.00	\$75,000.00	\$15,000.00	\$630,000.00	\$444,000.00	\$186,000.00
6 October 2012	Proposed Project 2013-B: Lake Forest - 1.1 Miles (Ridgewood Drive - North Route connecting 2a & 2b) & 0.1 Miles of Bay View Drive (1a to the bridge) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	1.2	\$1,232,727.28	\$86,290.91	\$24,654.55	\$1,429,963.64	\$1,074,938.18	\$355,025.46
7 October 2012	Proposed Project 2013-C: Johnson Road Extension - County Road 13 to State Road 181	1.1	\$798,000.00	\$79,800.00	\$23,940.00	\$965,580.00	\$708,624.00	\$256,956.00
8 March 2013	Proposed Project 2013-D: Lake Forest - 2.1 Miles (Bayview & Ridgewood Drives - South Route connecting 2a & 2b) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	2.1	\$2,157,272.73	\$151,009.09	\$43,145.45	\$2,502,436.37	\$1,881,141.82	\$621,294.55
9 March 2013	Proposed Project 2013-E: Lake Forest - Bridge Replacement on Bayview at Lake Forest Lake - Severely Limited Bridge	0.25	\$1,000,000.00	\$75,000.00	\$30,000.00	\$1,170,000.00	\$876,000.00	\$294,000.00
Totals:		8.28	Miles	\$9,517,976.13	\$7,107,813.83	\$2,410,161.50	Cost per Mile: \$1,495,139.00	

Phase #1

Phase #2

Phase #3

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80% Federal / 20% City split, with the City responsible for all related engineering & design costs.

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Profit Dr. Extension (Profit Rd. to Johnson Rd.)	\$294,751	\$219,677	\$75,073
Johnson Rd. Extension to CR13	\$1,267,525	\$952,820	\$314,705
PHASE 1 TOTALS:	\$2,435,205	\$1,832,646	\$602,560

Phase 2 Estimate - Application due 10/31/2012			
Project	Total Cost	80% Federal	20% City + Eng/Design
Round-A-Bout: CR13/CR61	\$630,000	\$444,000	\$186,000
Lake Forest: Ridgewood Dr. - North Route	\$1,310,800	\$985,360	\$325,440
Johnson Rd. Extension to CR13 to SR181	\$829,798	\$608,976	\$220,822
PHASE 2 TOTALS:	\$2,770,598	\$2,038,336	\$732,262

Phase 3 Estimate - Application due 3/31/2013			
Project	Total Cost	80% Federal	20% City + Eng/Design
Lake Forest: Bayview & Ridgewood Dr. - South Route	\$2,621,600	\$1,970,720	\$650,880
Lake Forest: Bridge Replacement Bayview/Lake Forest	\$1,170,000	\$876,000	\$294,000
PHASE 3 TOTALS:	\$3,791,600	\$2,846,720	\$944,880

TOTAL ATRIP GRANT APPLICATION:	\$8,997,404	\$6,717,702	\$2,279,702
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BE IT RESOLVED by the City Council (the "Council") of Daphne, Alabama (the "City"), with the understanding of the City's financial responsibilities toward the grant if awarded, the Mayor and the Director of Public Works are hereby authorized to apply for

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APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2012.

**CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL
CORPORATION**

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING,
MAYOR, CITY OF DAPHNE**

ATTEST:

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



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110

Telephone: 334-242-6311 FAX: 334-262-8041



Robert Bentley
Governor

John R. Cooper
Transportation Director

February 13, 2012

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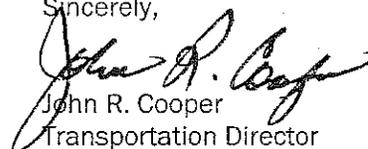
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I look forward to working with you as we collectively address the transportation infrastructure needs in Alabama.

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JRC/TWR
Attachment

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Proposed City of Daphne ATRIP Projects - 2012-2013

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7 October 2012	Proposed Project: Johnson Road Extension County Road 13 to State Road 181	1.1	\$685,783.81	\$68,578.38	\$20,573.51	\$54,862.70	\$829,798.41	\$608,976.02	\$220,822.39
8 March 2013	Proposed Project: Lake Forest - 2.2 Miles (Bayview & Ridgewood Drives - South Route connecting 2a & 2b) Project includes base repairs, drainage, asphalt resurfacing, concrete valley gutter, median curbing & landscaping	2.2	\$2,260,000.00	\$158,200.00	\$45,200.00	\$158,200.00	\$2,621,600.00	\$1,970,720.00	\$650,880.00
9 March 2013	Proposed Project: Lake Forest - Bridge Replacement on Bayview at Lake Forest Lake - Severely Limited Bridge	0.25	\$1,000,000.00	\$75,000.00	\$30,000.00	\$65,000.00	\$1,170,000.00	\$876,000.00	\$294,000.00
Totals:		8.18	Miles				\$8,997,403.53	\$6,717,701.64	\$2,279,701.89

Cost per Mile: \$1,099,927.08

PMSC
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RESOLUTION 2012-20

**REQUEST FOR PROPOSALS BE ISSUED TO BOTH BOND
BROKER/UNDERWRITING FIRMS AND BANKS**

WHEREAS, in the interest of the City of Daphne the City Council requests that a RFP be issued to both bond broker/underwriting firms and banks, and;

WHEREAS, the purpose of a RFP is to identify the best possible interest rate among other relevant factors available to Daphne as it pertains to the refinancing of city bond debt.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City of Daphne will have RFP's issued to both bond broker/underwriting firms and banks.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS _____ day of _____, 2012.

**Cathy S. Barnette,
Council President**

**Bailey Yelding, Jr.,
Mayor**

ATTEST:

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2012-11**

**AN ORDINANCE CONSENTING TO THE LEASE OF CERTAIN PROPERTY BY THE
UTILITIES BOARD OF THE CITY OF DAPHNE TO THE CITY OF DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it leases property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to lease property to the City of Daphne as described in detail on Exhibit A; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the lease of the property to the City of Daphne as described in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED that the council of the City of Daphne does hereby consent to the lease by Daphne Utilities of the property described on Exhibit A, to the City of Daphne.

**Adopted and Approved by the City Council of the City of Daphne, Alabama this _____
day of _____, 2012.**

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

EXHIBIT A

AGREEMENT

THIS AGREEMENT dated this ____ day of _____, 201__
by and between The Utilities Board of the City of Daphne ("Daphne Utilities"
or "Lessor") and the City of Daphne, Alabama, ("Lessee").

W I T N E S S E I H:

**ARTICLE ONE
Leased Property**

1.1 Daphne Utilities hereby agrees to lease to Lessee and Lessee hereby rents from Daphne Utilities its Portable Bathroom Trailer (hereinafter the "Equipment") in exchange for ONE HUNDRED DOLLARS and NO CENTS (\$100.00) per year and all consideration as stated in this Agreement. The Equipment shall be located on the South side of the parking lot of Bayside Park.

1.2 The Portable Bathroom Trailer subject to this lease is more particularly described as approximately 120 square foot trailer manufactured by Diamond Builders, Inc. in 2011. The manufacturer's identification number is DBI 4769.

**ARTICLE TWO
Leasing Term**

2.1 The term of this Agreement shall begin on the _____ day of _____, 201 __ and run for ten (10) years. Should the Equipment be returned sooner than the term of the lease, the rent owed by Lessee will be pro rated.

ARTICLE THREE
Compliance with Requirements

3.1 Lessee will promptly procure, maintain and comply with all permits, licenses, certifications and other authorizations required for the use and maintenance of the Equipment for the lawful operation thereof. Daphne Utilities will join in the application for any permit or authorization with respect to any legal requirements if such joinder is necessary and requested by Lessee in writing.

ARTICLE FOUR
Condition, Alterations and Additions

4.1 **Condition.** Daphne Utilities leases the Equipment in "as is" condition. Lessee is responsible for the cost to repair, replace, clean or otherwise restore the Equipment to its pre-existing condition, ordinary wear and tear excepted. If, upon inspection during the lease term Daphne Utilities the Equipment is not being well maintained (as determined in Daphne Utilities' sole discretion), Daphne Utilities may terminate this agreement, take possession of the Equipment and will return a pro rata portion of paid rent for the unused term.

4.2 **Alterations and Addition.** Lessee may not make additions, improvements or alterations of the Equipment without written consent from Daphne Utilities.

4.3 **Removal During Times of Peril.** In the event of impending or existing peril (including, but not limited to, hurricane, tornados, flooding,

other natural disasters, riots or other dangerous circumstances), if, in Daphne Utilities' estimation, the Equipment is threatened by the impending or existing peril, Daphne Utilities and the Lessee agree that, without notice, Daphne Utilities may remove the Equipment and take full possession of the Equipment. Daphne Utilities agrees to be responsible for the cost of removal and transportation of the Equipment. When, in Daphne Utilities' estimation, the peril has abated, Daphne Utilities will return the Equipment and Daphne Utilities will be responsible for the cost of reinstallation of the Equipment.

ARTICLE FIVE **Insurance**

5.1 **Insurance.** Lessee agrees to purchase casualty and liability insurance that covers the Equipment. Lessee further agrees that Daphne Utilities has sole discretion to determine the sufficiency of the insurance Lessee purchases to satisfy this requirement of this Agreement. At a minimum, Lessee agrees to provide casualty insurance coverage in the minimum amount of \$25,000 and liability insurance coverage in the minimum amount of \$1,000,000.

5.2 **Additional Insured.** Lessee agrees that Daphne Utilities will be named as an additional insured on any and all insurance policies covering the Equipment.

5.3 **Assignment.** Lessee hereby assigns to Daphne Utilities any award or payment on account of any damage, theft, destruction, or other which is payable to Lessee in connection with the Equipment. Lessee agrees

that this Agreement shall control the rights of Daphne Utilities and Lessee in any such award, and any contrary provision of any present or future laws is hereby waived.

ARTICLE SIX **Notice**

6.1 If there is any damage to or destruction of the Equipment, Lessee will promptly give notice thereof to Daphne Utilities, describing the nature and extent thereof.

ARTICLE SEVEN **Use of the Equipment**

7.1 **Lessee's Use.** Lessee may use the Equipment for any legally permissible use. Lessee agrees to be responsible for the cost of any and all utilities required for use of the Equipment.

7.2 **Daphne Utilities' Use.** Daphne Utilities specifically reserves the right to use the Equipment for the purposes of advertising. Such advertising includes, but is not limited to, the placement of signage in or on the Equipment.

ARTICLE EIGHT **No Warranties**

8.1 Daphne Utilities makes no warranties, express or implied, regarding the condition, fitness, safety or other state or use of the Equipment.

Lessee, for itself, its agents, its officers, its Employees, its affiliates and all others waives each and every warranty, whether

express or implied, regarding the fitness, condition, safety or other state or use of the Equipment.

ARTICLE NINE
Indemnity and Release

9.1 **Release.** Lessee agrees to release and hold harmless Daphne Utilities, its officers, directors, managers, employees, successors, assigns, agents and other representatives and affiliates, for any damage or injury arising out of the transportation, any usage, maintenance, storage or other use of the Equipment during the Leasing Term or otherwise arising from the Lessee's use or possession of the Equipment. Lessee specifically acknowledges that this provision survives termination of this Agreement.

9.2 **Indemnity.** Lessee agrees to indemnify Daphne Utilities for any claims, suits, complaints, grievances or other causes brought against Daphne Utilities for any damage or injury sustained arising out of the transportation, usage, maintenance, storage or other use of the Equipment during the Leasing Term or otherwise arising from the Lessee's use or possession of the Equipment. Lessee acknowledges that such indemnity includes any awards, settlements, fees, costs, expenses, attorney's fees or other expenses incurred by Daphne Utilities in the settling, defending, handling, addressing or otherwise managing of any such claim. However, this indemnity provision will not be construed to require Lessee to indemnify Lessor for any acts of the Lessor (including, but not limited to, Lessor's transportation of the Equipment). Lessee also specifically acknowledges that

this provision survives the termination of this Agreement.

ARTICLE TEN **Assignment**

10.1 Lessee may not assign this Agreement without the express written consent of Daphne Utilities.

ARTICLE ELEVEN **Amendment**

11.1 This Agreement may not be amended, modified, or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination or waiver shall be effective for any purpose unless it is in writing, signed by the party against whom enforcement thereof is sought.

ARTICLE TWELVE **Miscellaneous**

12.1 **Severability.** If any provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of this Agreement and any other application of such provision shall not be affected thereby.

12.2 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of and be enforceable by the successors and assigns of the parties hereto and shall survive termination of this Agreement.

12.3 **Captions.** The Article and the Section headings are for convenience of reference only and shall not limit or otherwise affect the

meaning hereof.

12.4 **Governing Law.** The parties agree that this Agreement is executed in Alabama. This Agreement shall be governed by and construed in accordance with the laws of the state of Alabama.

12.5 **Venue.** The parties agree that for the enforcement, collection or other legal action, associated with this Agreement, the proper venue will be the State and Federal courts whose jurisdiction includes Baldwin County, Alabama.

12.6 **Relationship of Parties.** Daphne Utilities and Lessee shall not be considered or deemed to be joint venturers or partners and neither shall have the power to bind or obligate the other except as set forth herein.

12.7 **Authority.** The Lessee affirmatively represents that it has full and proper authority to execute this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

THE UTILITIES BOARD OF THE CITY OF DAPHNE

(signature)

By: _____, Its _____
(printed)

THE CITY OF DAPHNE, ALABAMA, Lessee

(signature)

By: _____, Its _____
(printed)

ORDINANCE 2012-12

OTHER PERSONNEL COST: BUILDING MAINTENANCE

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, after further reviewing the FY2012 Budget after adoption a section of other personnel cost was found to need updating to reflect the department's full personnel costs; and

WHEREAS, the updated cost of the other personnel for the Building Maintenance was not budgeted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$43,791 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for Other Personnel cost for the Building Maintenance department.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2012-13

ADDITIONAL AUDIT/CPA SERVICES:

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, additional services from a Certified Public Accountant may be required to complete the City's Financial Reports/Statements for preparation of the FY2011 Year End Audit; and

WHEREAS, the City's current auditors will perform these additional duties in conjunction with the annual audit; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$4,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for preparation of the FY2011 Year End Financial Reports/Statements.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2012-14

BONDING: FINANCE DEPUTY DIRECTOR

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, since the new position of Deputy Finance Director is taking on responsibilities of researching and reporting on pending Bond Issues and other Financial activities while assisting or in the absence of the Finance Director; and

WHEREAS, the cost of this additional bonding for Finance personnel was not budgeted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$1,750 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for bonding of the Finance Deputy Director.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk MMC

ORDINANCE 2012-15

COMMUNITY CONTRIBUTION: BARC (The Baldwin County Humane Society)

WHEREAS, Ordinance 2012-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2012; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, BARC was formed to provide a means for the prevention of cruelty to animals within Baldwin County, to promote the adoption of homeless cats and dogs to good homes; and to help alleviate cruelty to and suffering of animals wherever such may occur.

WHEREAS, BARC also provides spay/neuter vouchers, the BARC Pet Food Pantry and other programs for animals; and

WHEREAS, the City Council has determined it to be in the best interest of the City to make a \$2,500 contribution to BARC.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$2,500 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for a contribution to BARC (The Baldwin County Humane Society). Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk MMC

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

MUNICIPAL AGENCY FUNDING CONTRACT

THIS AGREEMENT, made and entered into on this the ____ day of _____, 2012, by and between the **CITY OF DAPHNE**, a Municipal Corporation, of the State of Alabama (hereinafter sometimes referred to as "City" or "the City"), and **BARC** (The Baldwin County Humane Society), (hereinafter sometimes referred to as the "Agency"):

W-I-T-N-E-S-S-E-T-H

WHEREAS, the Agency has requested that the City of Daphne appropriate funds for its use for the benefit, either directly or indirectly, of the residents of the City; and,

WHEREAS, the City of Daphne desires to have the Agency perform certain services during the 2012 fiscal year.

THEREFORE, in consideration of the benefits moving each to the other, it is mutually agreed by and between the City and the Agency as follows:

I. AUTHORITY

Agency represents and warrants to City that it is authorized by law to receive funding from City and that such funding will not be in violation of Article IV, Section 94, or amendments thereto, of the Constitution of Alabama, 1901, or any other constitutional or statutory provision.

Agency further warrants that funding from the City will only be used to perform public services and/or acts which the City is otherwise authorized to perform or to fund itself.

II. SERVICES

The Agency shall provide the following public services within the Corporate Limits of the City of Daphne:

To provide a means for the prevention of cruelty to animals within Baldwin County, to promote the adoption of homeless cats and dogs to good homes; and to help alleviate cruelty to and suffering of animals wherever such may occur.

If Agency provides public services both inside and outside the Corporate Limits of the City, then, if requested by the City or its representative, it shall submit an audit report demonstrating that services by the Agency, at least to the extent of the funding herein, shall be and were provided within the Corporate Limits of the City, including an identification of the number of City residents served by said agency.

III. APPROPRIATION

The City shall appropriate funds to the Agency in the following amount for the 2012 fiscal year: \$ 2,500 (Two Thousand Five Hundred Dollars), said amount to be paid pursuant to a method determined by the Finance Director of the City. The Finance Director of the City or his/her designee shall be the representative of the City for the administration and implementation of the provisions hereof on behalf of the City.

IV. SEPARATE AGREEMENTS

The City shall be under no obligation to the Agency except to the extent set out expressly in this Agreement. Provided, however, in the event there is a separate valid written agreement between the City and Agency, then this Funding Agreement is supplemental thereto and in the event of a conflict the terms of the latest written agreement shall prevail.

V. TERM; TERMINATION

The terms of this Agreement ***shall commence upon approval of Council, and shall continue in force until the 30th day of September, 2012***, unless sooner terminated. Provided, however, in the event a new contract is not executed by the commencement of the new fiscal year, the City may elect to continue funding if appropriated by budget or budget continuation provisions and if so, the Agency agrees to remain bound by the terms of this Agreement and to continue to provide all services hereunder until a new funding contract is executed. The contract is otherwise terminated as set forth herein or if the official City budget does not contain an appropriation for the Agency. Either party to this Agreement may, with or without cause, terminate this Agreement as to the first day of any month by giving the other party no less than thirty (30) days written notice thereof. In event of termination by either party, the Agency shall refund to the City an amount equal to the excess of the total amount appropriated over an amount which bears the same ratio to the total amount appropriated as the month(s) actually performed bear to the total months covered by this Agreement.

VI. NON-DISCRIMINATION AND COMPLIANCE

This Agency hereby covenants and agrees that in performing its

responsibilities and obligations hereunder, the Agency, its officers, agents and employees will not, on the grounds of race, color, sex, religion, national origin, or disability, discriminate or permit discrimination against any person or group of persons, in any manner. The Agency further agrees to comply with all applicable state and federal ordinances and regulations, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1964, and any regulations promulgated thereunder. The Agency further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Agency is in compliance with the Americans with Disabilities Act and will advise the City of Daphne ADA Coordinator for services and programs as to the Agency's state of compliance with the Americans with Disabilities Act.

VII. INDEPENDENT CONTRACTOR

It is agreed between the City and the Agency that the Agency is an independent contractor. Neither the City nor its officers, agents or employees shall be liable for damages, claims, actions, or causes of action, brought against the Agency, for the activities of the Agency.

Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Agency, and shall not be liable for any debts or obligations incurred by Agency, nor shall the City be deemed or construed to be partner, joint adventurer or otherwise interested party in the assets of Agency, or profits earned or derived by Agency, nor shall Agency at any time or times use the name or credit of the City in purchasing or attempting to purchase any equipment, supplies, or other thing or things whatsoever.

Agency in the performance of its operations and obligations hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent contractor. City does not and will not assume any responsibility for the means by which or manner in which services by Agency, provided for herein, are performed, but on the contrary, Agency shall be wholly responsible therefore.

VIII. INDEMNITY

The Agency hereby covenants with the City that it will indemnify and hold the City and its officers, agents and employees harmless for or on account of any claim, suit, cause of action or judgment arising out of or in any manner associated with this Agreement or services provided or performed by Agency or any of its officers, agents or employees.

IX. NO THIRD PARTY BENEFICIARIES

It is the intent of the parties to this Agreement that they be the only parties to the Agreement and to expressly exclude third party beneficiaries; no person not a party to the Agreement may claim benefits under the Agreement.

X. SERVICE AREA

Agency shall submit, if requested by the City, to the Office of the Finance Director of the City, a written monthly report of the Agency's activities and expenditures, including, but not limited to, information demonstrating that services by the Agency within the Corporate Limits of the City at least equal, if not exceed, the funding from the City for that month. Should the City determine at any time during the term of this Contract that Agency is not providing services within the City Corporate Limits at least equal to the funding herein, then the City may terminate this Agreement immediately. Upon such termination, Agency may be, at the sole discretion of the City, required to refund any funds deemed by the City not to have been appropriately expended within the Corporate Limits.

XI. BOOKS AND RECORDS/REPORTS

Agency shall, at the request of the City, throw open and provide, at a time and place designated by the City, all books, records, accounts, statements and other documents as needed by the City to enable it to conduct a financial and/or operational review or audit of agency operations and/or finances. If Agency refuses to honor the City's request within ten (10) days, it shall refund to the City all funds appropriated to it during the term of the contract. All reports, evaluations and audits required shall be provided by Agency to any person appointed by the City or the Mayor to the Agency's governing body.

XII. AUDIT

The City may require Agency to have its financial records audited by an independent CPA firm. A copy of the audited financial statements will be mailed to the City's Finance Director as soon as possible after the statements are issued.

XIII. OPEN MEETING, PUBLIC RECORDS, COMPETITIVE BIDS AND OTHER APPLICABLE LAWS

A. As Agency is receiving public funds and/or other things of public value, including in-kind services, use of City employees and/or equipment from the City pursuant to this agreement, Agency agrees as follows:

1. To the same and like extent as is applicable to the City of Daphne, all meetings of the governing or controlling body of the Agency or any committee

or subcommittee thereof shall be open to the public when any issue or matter involving or relating directly or indirectly to this Agreement is discussed or considered and when there is any discussion or consideration of the use of public funds or things of value provided to the Agency by or through the City.

2. Public Records. To the same and like extent as is applicable to the City of Daphne pursuant to State law, all records, documents, letters, minutes, memoranda, etc. of the Agency shall be open to public inspection and copying when the same pertain to any issue or matter involving or relating directly or indirectly to the performance by Agency of this Agreement or the use of public funds or other things of value provided to the Agency by or through the City.

3. Expenditure of Public Funds. To the same and like extent as is applicable to the City pursuant to State law, all expenditures or disbursements of funds received by the Agency, whether directly or indirectly, from the City shall be subject to competitive bidding.

XIV. SEVERABILITY

It is expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, or otherwise appears to both parties to be invalid, the invalidity of any such covenant, condition, or provision herein contained, shall not affect other remaining and valid covenants or conditions herein unless such invalidity renders performance of the essential elements of the contract impossible.

XV. MISCELLANEOUS CLAUSES

Capacity: Each Party to this Agreement represents and warrants to the other as follows:

A. That it is an individual of the age of majority or otherwise a legal entity duly organized and in good standing pursuant to all applicable laws, rules and regulations.

B. That each has full power and capacity to enter into this Agreement, to perform and to conclude the same including the capacity, to the extent applicable, to grant, convey and/or transfer, areas, assets, facilities, properties, (both real and personal), permits, consents and authorizations and/or the full power and right to acquire and accept the same.

C. That to the extent required, each Party has obtained the necessary approval of its governing body or board and a resolution or other binding act has been duly and properly enacted by such governing body or board authorizing this Agreement and said approval has been reduced to writing and certified or

attested by the appropriate official of the Party.

D. That each Party has duly authorized and empowered a representative to execute this Agreement on their respective behalf and the execution of the Agreement by such representative fully and completely binds the Party to the terms and conditions hereof.

E. That absent fraud, the execution of this Agreement by a representative of the party shall constitute a certification that all such authorization for execution exists and has been performed and the other Party shall be entitled to rely upon the same. To the extent a Party is a partnership, limited liability company or joint venture, the execution of this Agreement by any member thereof shall bind the Party and to the extent that the execution of Agreement is limited to a manager, managing partner or specific member then the person so executing this Agreement is duly authorized to act in such capacity for the Party.

F. That each party represents and warrants to the other that there is no litigation, claim, or administrative action threatened or pending or other proceedings to its knowledge against it which would have an adverse impact upon this transaction or upon either's ability to conclude the transaction or perform pursuant to the terms and conditions of this Agreement.

G. That each party has obtained any and all required permits, approvals and/or authorizations from third parties to enable it to fully perform pursuant to the terms and conditions of this Agreement.

Final Integration: This Agreement together with any amendments, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. In the event of a direct conflict between the provisions hereof and any prior agreement or amendment, the latter shall supersede the former. All written or oral understandings and agreements heretofore had between and among the parties are merged into this Agreement, which alone fully and completely expresses their understandings. No representation, warranty or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

Force Majeure: Neither party to this Agreement shall hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees agents or contractors.

Amendment in Writing: This Agreement may not be amended, modified, altered, changed, terminated or waived in any respect whatsoever, except by a further agreement in writing, properly executed by all of the parties.

Binding Effect: This Agreement shall bind the parties and their respective personal representatives, heirs, next of kin, legatees, distributees, successors, and assigns. If any provision in this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Captions: The captions of this Agreement are for convenience and reference only, are not a part of this Agreement, and in no way define, describe, extend or limit the scope or intent of this Agreement.

Constructions: This Agreement shall be construed in its entirety according to its plain meaning and shall not be construed against the party who provided or drafted it.

Mandatory and Permissive: "Shall", "will", and "agrees" are mandatory, "may" is permissive.

Governing Laws: The laws of the State of Alabama shall govern the validity of this Agreement, the construction of its terms, the interpretation of the rights, the duties of the parties, the enforcement of its terms, and all other matters relating to this Agreement.

Prohibition on Assignment and Delegation: No party to this Agreement may assign or delegate its interests or obligations hereunder without the written consent of all other parties hereto obtained in advance of any such assignment or delegation. No such assignment or delegation shall in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning or delegating party shall in all respects remain liable irrespective of such assignment or delegation.

Waiver: Non enforcement of any provision of this Agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remaining terms and conditions of the Agreement.

Ownership of Contract Documents: The Contract Documents, and copies of parts thereof, are furnished and owned by the City. All portions of the Contract Document, and copies of parts thereof, are the instruments of serve for this project. They are not to be used on other work and are to be returned to the City on request at the completion of the work. Any reuse of these materials without specific written verification or adaptation by the City will be at the risk of the user and without liability or legal expense to the City. Such user shall hold the City harmless from any and all damages, including reasonable attorneys fees, from any and all claims arising from any such reuse. Any such verification and adoption shall entitle the City to further compensation at rates to be agreed

upon by the user and the City.

Fines and Penalties The Contractor shall be solely liable for any and all fines or penalties which may be levied by any governmental authority against the Owner and/or Contractor which are related to the Contractor's operations. The Owner shall deduct the amount of the levied fine or penalty from the Contract amount.

Agreement Date/Counterparts: The date of this Agreement is intended as and for a date for the convenient identification of this Agreement and is not intended to indicate that this Agreement was necessarily executed and delivered on said date. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

Use of Words and Phrases: The following words and phrases, where used in this document, shall be given the following and respective interpretations. "Herein," "hereby," "hereunder," and other equivalent words refer to this document as an entirety and not solely to the particular portion hereof in which any such word is used.

The definitions set forth in any portion of this Agreement unless the text or context indicates differently shall be deemed applicable whether the words defined are herein used in the singular or the plural. Wherever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set fort above.

CITY OF DAPHNE, a Municipal Corporation

Bailey Yelding, Jr., Mayor

ATTEST:

David Cohen, City Clerk, MMC

BARC

BY: _____

TITLE: _____

Federal Tax ID#: _____

WITNESS:

By: _____

ORDINANCE 2012-16

U.S. 98 & WHISPERING PINES INTERSECTION IMPROVEMENTS (TURN LANES & SIGNALIZATION)

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, the City has entered into an agreement with ALDOT to reimburse 50% for the intersection improvements (\$322,368.08) at U.S. 98 & Whispering Pines Road with the City being responsible for 100% of the additive alternate for W.P. US Hwy 98 to Main Street (\$32,395.96), 50% of Signalization cost payable to ALDOT (*up to \$60,000*); and engineering costs (*\$48,000*); and

WHEREAS, the U.S. 98 & Whispering Pines Road Intersection Improvements for Turn Lanes & Signalization is needed for enhanced traffic flow; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$785,132. from the General Fund are appropriated to be transferred to Capital Reserve made a part of the Fiscal Year 2012 budget for U.S. 98 & Whispering Pines Road Intersection Improvements for Turn Lanes & Signalization as follows:

- \$677,132.11 for construction of which ALDOT will reimburse \$322,368.08 (*City's portion - \$354,764.04 (322,368+32,395.96)*); and
- \$60,000 for signalization Upgrade & Replacement to be paid to ALDOT (*separate agreement*); and
- \$48,000 for Engineering; and
- the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such intersection project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr., Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE
ORDINANCE NO. 2012-17**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2007-10 IN ITS ENTIRETY
AND TO PROMOTE MANDATORY SEWER CONNECTION**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that new City regulations concerning mandatory sewer connection are necessary; and

WHEREAS, said regulations will enable the City to more easily benefit the health, safety, and welfare of its citizens by mandating connection to sewer services;

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

SECTION I: CONNECTION TO SEWER REQUIRED

A. It shall be unlawful and an offense against the City for any person or entity to construct or maintain within the City any dwelling, building, or other place where human beings reside, are employed, congregate, rent, lease, use or permit to be used for such purposes which is not provided with facilities for disposal of the bodily discharges connected to a sanitary sewer line in the City.

B. All private or public premises within the City of Daphne shall be required to connect to the City sewer system and/or any utility providing sewer service with permission from the City within six (6) months after the City sewer system and/or any utility providing sewer service with permission from the City is made available.

C. It shall be a violation of this ordinance for any person or entity to fail or refuse to connect to the City sewer system and/or any utility providing sewer service with permission from the City.

D. For purposes of this section, sanitary sewer service shall be deemed available to any lot or parcel of land when a sanitary sewer line crosses or abuts upon any such lot or parcel or when a sanitary sewer line is laid in any public street, alley, or other

public way at a point where any such lot or parcel of land abuts upon any such public street, alley, or other public way.

SECTION II: REGULATION OF SEPTIC TANKS

A. Regulation of Septic Tanks: The Board of Health of Baldwin County or its duly authorized representatives being specifically empowered and directed by state law, are hereby empowered and directed by the City to making such inspections and investigations of and to take such legal steps as may be necessary to regulate and control the type, construction, reconstruction, location, use and maintenance of all septic tanks and all appurtenances thereto or used in connection therewith in the City.

B. Inspection of Septic Tanks: All septic tanks within the City shall be subject to inspection or investigation by the Board of Health or its duly authorized representative(s) at all reasonable times and the Board of Health or its representative(s) shall have the right to enter upon or into all property, premises or building for such purposes.

C. Permit for Construction and Maintenance of Septic Tank: It shall be unlawful and an offense against the City for any person to construct a septic tank on any property within the City without first having obtained a permit from their County Board of Health or its duly authorized representative.

D. It shall be unlawful and an offense against the City for any person to empty raw sewage into any septic tank or by any other means or method to privately dispose of such raw sewage after the time prescribed in Section I hereof.

SECTION III: PENALTIES

A violation of the provisions of this Ordinance shall be punishable by a fine of not less than \$10.00 nor more than \$100.00 per day of violation. Each day of non-compliance following the 15th day after notice shall be considered a separate offense.

SECTION IV: REPEALER

That Ordinance 2007-10 is hereby repealed in its entirety and further that any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION V: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is

for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VI: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2012.

**CATHY BARNETTE,
CITY COUNCIL PRESIDENT**

**BAILEY YELDING, Jr.
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**

ORDINANCE 2012 - 18

Appropriation: (4) Police Vehicle Replacements

WHEREAS, Ordinance 2011-81 approved and adopted the Fiscal Year 2012 Budget on November 21, 2011; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

WHEREAS, the police department has a plan to replace vehicles every six to seven years in order to maintain high performance and thereby reduce maintenance costs and provide additional protection to police officers in the event of accidents and high speed responses; and

WHEREAS, due to the budget restraints replacement of Police vehicles has not been able to stay on schedule; and

WHEREAS, four (4) vehicles (Chevy Tahoes) are requested to be purchased from the state bid contract to replace older vehicles.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2012 Budget is hereby amended to include a General Fund appropriation in the amount of \$158,583 for the replacement of four police vehicles.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2012.

Cathy S. Barnette, Council President

Bailey Yelding, Jr. , Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2012 -19**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on January 26, 2012, favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2011-54 and amended by Ordinance No. 2011-73; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinance 2011-73; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on March 5, 2012; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinances No. 2011-20 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, JR.,
MAYOR**

ATTEST:

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2012-20**

**AN ORDINANCE TO ANNEX THE RIGHT OF WAYS OF WOODROW LANE
LOCATED ADJACENT TO INTERSTATE 10 AND WEST OF ALABAMA STATE
HIGHWAY 181**

WHEREAS, on the 6th day of January, 2012, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Lee Reach, P.E., an authorized agent of the State of Alabama Department of Transportation, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of roadway maintenance; and

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of August 25, 2011, forwarded a favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and

WHEREAS, after proper publication, a public hearing was held on March 5, 2012, 2012, by the City Council of the City of Daphne concerning said letter for annexation; and

WHEREAS, the City Council of the City of Daphne determine it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975);

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

SECTION I: ANNEXATION

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged as to include all of the territory heretofore encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described territory, to-wit:

NAME: Rights-of-Way of Woodrow Lane located adjacent to Interstate 10 and west of Alabama State Highway 181.

DESCRIPTION:

Said tract of land lying in Section 27, Township 4 South, Range 2 East, Baldwin County, Alabama and containing 12.55 acres, more or less. Being more particularly described as beginning at a point which is 250 feet Northwesterly of and at right angles to the centerline of project No. I-10-1(19) at station 568+52.44; thence N 0°-26'-24" W, a distance of 80.80 feet; thence N 81°-32'-36" E, a distance of 836.24 feet; thence N 84°-08'-45" E, a distance 1101.14 feet; thence N 77°-24'-50" E, a distance of 1027.70 feet; thence N 76°-54'-26" E, a distance of 486.48 feet; thence N 86°-01'-10" E, a distance of 1127.46 feet; thence N 63°-39'-11" E, a distance of 437.02 feet; thence N 31°- 55'-53.5" E, a distance of 170.17 feet; thence N 0°-12'-36" E, a distance of 530.72 feet; thence N 30°-12'-36" E, a distance of 290.00 feet; thence S 0°-12'-36" W, a distance of 160.00 feet; thence S 30°-12'-36" W, a distance of 130.00 feet; thence S 0°-12'-36" W, a distance of 580.23 feet; thence S 31° - 55' - 53.5" W, a distance of 170.17 feet; thence S 63° - 39' - 11" W, a distance of 476.48 feet; thence S 84°-40'-01" W, a distance of 1159.77 feet; thence S 79°-14'-20" W, a distance of 481.96 feet; thence S 78°-31'-40 W, a distance of 1026.45 feet; thence S 84°-08'-45" W, a distance of 1101.14 feet; thence S 81°-32'-36" W , a distance of 847.51 feet to the point of beginning.

NAME: Strip of real property 50 feet in width and 200 feet in length, to be used as a drainage ditch.

DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 231.04 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 581+17; thence S 84°-08'-45" W, a distance of 27.47 feet; thence N 30°-21'-15" W, a distance of 200.00 feet; thence N 84°-08'-45" E, a distance of 54.94 feet; thence S 30°-21'-15" E, a distance of 200.00 feet; thence S 84°-08'-45" W , a distance of 27.47 feet to the point of beginning.

NAME: Strip of real property 50 feet in width and 200 feet in length, to be used as a drainage ditch.

DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 323.92 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 596+03.34; thence S 77°-24'-50" W, a distance of 27.96 feet; thence N 14°-01'-40" E, a distance of 200.00 feet; thence N 77°-24'-50" E, a distance of 55.92 feet; thence S 14°-01'-40" W, a distance of 200.00 feet; thence S 77°-24'-50" W , a distance of 27.96 feet to the point of beginning.

NAME: Strip of real property 50 feet in width and 200 feet in length, to be used as a drainage ditch.

DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 332.06 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 597+52.27; thence S 77°-24'-50" W, a distance of 26.16 feet; thence N 4°-31'-40" E, a distance of 200.00 feet; thence N 77°-24'-50" E, a distance of 52.32 feet; thence S 4°-31'-40" W, a distance of 200.00 feet; thence S 77°-24'-50" W, a distance of 26.16 feet to the point of beginning.

NAME: Strip of real property 50 feet in width and 200 feet in length, to be used as a drainage ditch.

DESCRIPTION:

Said strip of land lying in Section 27, Township 4 South, Range 2 East, and containing 0.230 acre more or less. Being more particularly described as beginning at a point which is 356.51 feet Northwesterly of and at right angles to the centerline of Project No. I-10-1(19) at Station 602+59.27; thence S 76°-54'-26" W, a distance of 25.93 feet; thence N 2°-14'-29" E, a distance of 200.00 feet; thence N 76°-54'-26" E, a distance of 51.86 feet; thence S 2°-14'-29" W, a distance of 200.00 feet; thence S 76°-54'-26" W, a distance of 25.93 feet to the point of beginning.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

SECTION II: PUBLICATION

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2012.

**CATHY S. BARNETTE,
COUNCIL PRESIDENT**

**BAILEY YELDING, Jr.,
MAYOR**

ATTEST:

**DAVID COHEN,
CITY CLERK, MMC**