

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-02**

**Ordinance to Pre-Zone Property Located at the
Southeast of Equity Drive and County Road 64
Iris Patricia DeFilippi**

WHEREAS, Iris Patricia DeFilippi, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as B-1, Professional Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2, General Business, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Southeast of Equity Drive and County Road 64, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

Parcel # 43-05-21-0-000-003.004, PPIN #300201
Commencing at the Northeast Corner of Section 21, Township 5 South, Range 2 East, Baldwin County, Alabama; run thence North 89-37-55 West, along the North Line of the Northeast Quarter of said Section 21, 756.54 feet to a point; run thence South 00-16-21 West, 40.00 feet to a capped rebar marker on the South right of way line of Baldwin County Highway No. 64 (80 foot right of way); run thence North 89-37-30 West, along said right of way line, 198.66 feet to a capped rebar marker for the Point of Beginning of the property herein described; run thence South 00-16-21 West, 370.26 feet to a capped rebar marker; run thence North 89-34-39 West, 198.96 feet to a capped rebar marker; run thence North 00-22-30 East, 370.09 feet to a capped rebar marker on the aforesaid South right of way line of Baldwin County Highway No. 64; run thence South 89-37-30 East, along said right of way line, 198.30 feet to the Point of Beginning' containing 1.688 acres, more or less; subject to easement for drainage over and across the Westmost 20 feet thereof.

WHEREAS, at the regular Planning Commission meeting on October 28, 2021, the Commission considered said request and by a unanimous vote set forth a favorable recommendation to the City Council to pre-zone the property B-2 General Business; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on December 20, 2021; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2 General Business, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance

and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-1, Professional Business, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

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



SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 3rd day of January, 2022.

Robin LeJeune, Mayor

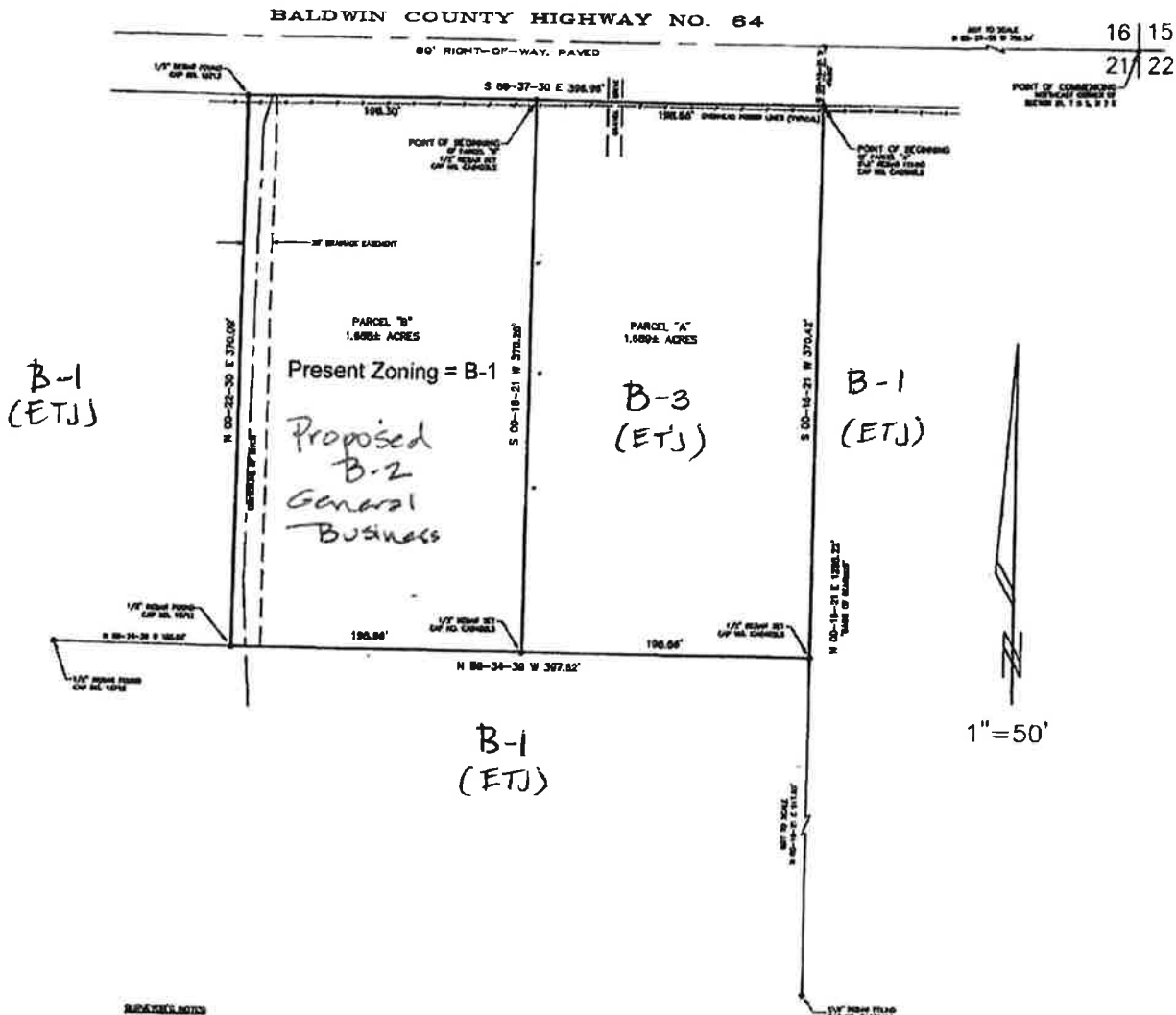
ATTEST:


Candace G. Antinarella, CMC, City Clerk

800L-6LS
4/10/08

Exhibit A

Present Zoning of Parcel "B"



B-1
(ETJ)

Parcel "B"
1.880± ACRES
Present Zoning = B-1

Proposed
B-2
General
Business

B-3
(ETJ)

B-1
(ETJ)

B-1
(ETJ)

1"=50'

SURVEY NOTES

BOUNDARY DATA SHOWN HEREIN IS CALCULATED FROM TRAVERSE DATA.

BOUNDARY MARKERS SHOWN HEREON HAVE BEEN EXAMINED AND FOUND TO BE ALL OTHER MARKS SHOWN ON PLAT AND ACCORDING TO CONTROL POINTS.

F.L.M.A. FLOOD INSURANCE RATE MAP, MAP NO. 0-9000-0530-K, EFFECTIVE JUNE 17, 2000, SHOWS THIS PROPERTY TO BE IN FLOOD ZONE X (CLEAR).

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN THOSE CALLED BY RECORD DOCUMENTS CITED HEREON OR VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BALDWIN COUNTY ORDINANCES, RESOLUTIONS, ORDINANCES, SUBDIVISION REGULATIONS, AND ANY OTHER FACTS THAT ARE ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS BASED UPON MEASUREMENTS AND EVIDENCE FOUND IN PLACE AND DOES NOT PURPORT TO REPRESENT A RETRACEMENT OF THE GOVERNMENT SURVEY.

SURVEYOR'S CERTIFICATE

STATE OF ALABAMA
COUNTY OF BALDWIN

I, PETER G. GARSD, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT PLAT OF MY SURVEY OF THE FOLLOWING DESCRIBED PROPERTIES, TO WIT:

PARCEL "A"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 88-37-30 WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, 743.64 FEET TO A POINT; RUN THENCE SOUTH 00-16-21 WEST, 403.00 FEET TO A CAPPED NEAR MARKER ON THE SOUTH FRONT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64 (80 FOOT FRONT-OF-WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 00-16-21 WEST, 370.42 FEET TO A CAPPED NEAR MARKER; RUN THENCE NORTH 00-34-30 WEST, 190.86 FEET TO A CAPPED NEAR MARKER; RUN THENCE NORTH 00-14-23 EAST, 370.35 FEET TO A CAPPED NEAR MARKER ON THE APPROXIMATE SOUTH FRONT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64; RUN THENCE SOUTH 88-27-30 EAST, ALONG SAID FRONT-OF-WAY LINE, 184.88 FEET TO THE POINT OF BEGINNING, CONTAINING 1.880 ACRES, MORE OR LESS.

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 88-37-30 WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, 743.64 FEET TO A POINT; RUN THENCE SOUTH 00-16-21 WEST, 403.00 FEET TO A CAPPED NEAR MARKER ON THE SOUTH FRONT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64 (80 FOOT FRONT-OF-WAY); RUN THENCE NORTH 88-37-30 WEST, ALONG SAID FRONT-OF-WAY LINE, 184.88 FEET TO A CAPPED NEAR MARKER FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE SOUTH 00-16-21 WEST, 370.42 FEET TO A CAPPED NEAR MARKER; RUN THENCE NORTH 00-34-30 WEST, 190.86 FEET TO A CAPPED NEAR MARKER; RUN THENCE NORTH 00-14-23 EAST, 370.35 FEET TO A CAPPED NEAR MARKER ON THE APPROXIMATE SOUTH FRONT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64; RUN THENCE SOUTH 88-27-30 EAST, ALONG SAID FRONT-OF-WAY LINE, 184.88 FEET TO THE POINT OF BEGINNING, CONTAINING 1.880 ACRES, MORE OR LESS; SUBJECT TO EASEMENT FOR DRAINAGE OVER AND ACROSS THE NEAREST 30 FEET THEREOF.

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

Peter G. Garsd
PETER G. GARSD, P.L.S.
LICENSE NO. 10054



GARSDD LAND SURVEY 21422 STATE HIGHWAY NO. 181 P.O. BOX 1283 FARMERSVILLE, AL 36033 (205) 910-8067	A 2-PARCEL BOUNDARY SURVEY FOR TONY AND PATSY DEFLUPPI SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA		SURVEY DATE: JUNE 21, 2008	PLAT DATE: JULY 13, 2008
	REVISIONS: NONE		SCALE: 1" = 50'	DRAWN BY: P.L.S. DRAWING NO.: 008-210