

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2023-32**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS TO THE  
CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Northeast of the intersection of Pollard Road and County Road 64  
O’Gwynn Properties, L.L.C.**

**WHEREAS**, on the 22<sup>nd</sup> day of May, 2023, O’Gwynn Properties L.L.C., being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the “City”); and

**WHEREAS**, said petition did contain an accurate description of the property to be annexed together with a map of the said territory showing its relationship to the corporate limits of the City of Daphne, Alabama, and the signatures of all owners of the property described; and

**WHEREAS**, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2023, and the Commission set forth a favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

**WHEREAS**, after proper publication, a public hearing was held by the City Council on August 21, 2023, concerning the petition for annexation.

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

**SECTION ONE: ANNEXATION**

The City Council of the City of Daphne finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City and the citizens of the affected area to bring the property described in Section Three of this Ordinance into the corporate limits of the City, and has further determined that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, *et seq.*, Code of Alabama (1975); effective on publication as required by Section 11-42-21, Code of Alabama (1975), as amended.

**SECTION TWO: ZONING**

At the September 5, 2023, regularly scheduled City Council meeting, Ordinance 2023-31 was adopted pre-zoning the said property as B-2(a), General Business Alternate, with the apportionment of said zoning districts to the subject property described therein.

**SECTION THREE: DESCRIPTION OF TERRITORY**

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

**Legal Description for Annexation:**

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°39'17" EAST, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE 26.92 FEET; THENCE RUN NORTH 00°36'36" EAST, A DISTANCE OF 40.00 FEET TO A CAPPED REBAR (CA-1109-LS) AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE) AND THE EAST RIGHT-OF-WAY OF POLLARD ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°36'36" EAST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 603.91 FEET TO A CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°15'24" EAST, A DISTANCE OF 307.25 FEET TO A FENCE WOOD POST; THENCE RUN SOUTH 00°59'17" WEST, A DISTANCE OF 609.78 FEET TO A 1 INCH CRIMP TOP IRON AT THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE); THENCE RUN NORTH 89°39'17" WEST, A DISTANCE OF 303.15 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.25 ACRES, MORE OR LESS, AND LIES IN SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 WEST, BALDWIN COUNTY, ALABAMA.

**SECTION FOUR: MAP OF PROPERTY**

The property hereby annexed into the City of Daphne, Alabama, as described in Section Three of this Ordinance, is set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "B" showing its relationship to the corporate limits of the City of Daphne.

**SECTION FIVE: EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama, in accordance with Section 11-42-21, Code of Alabama (1975), as amended.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE 5<sup>th</sup> DAY OF September, 2023.**

  
\_\_\_\_\_  
Robin LeJeune, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Candace G. Antinarella, CMC, City Clerk

O'Gwynn Properties, LLC

**Exhibit A**

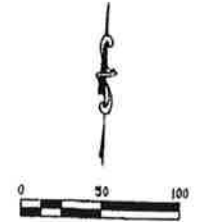
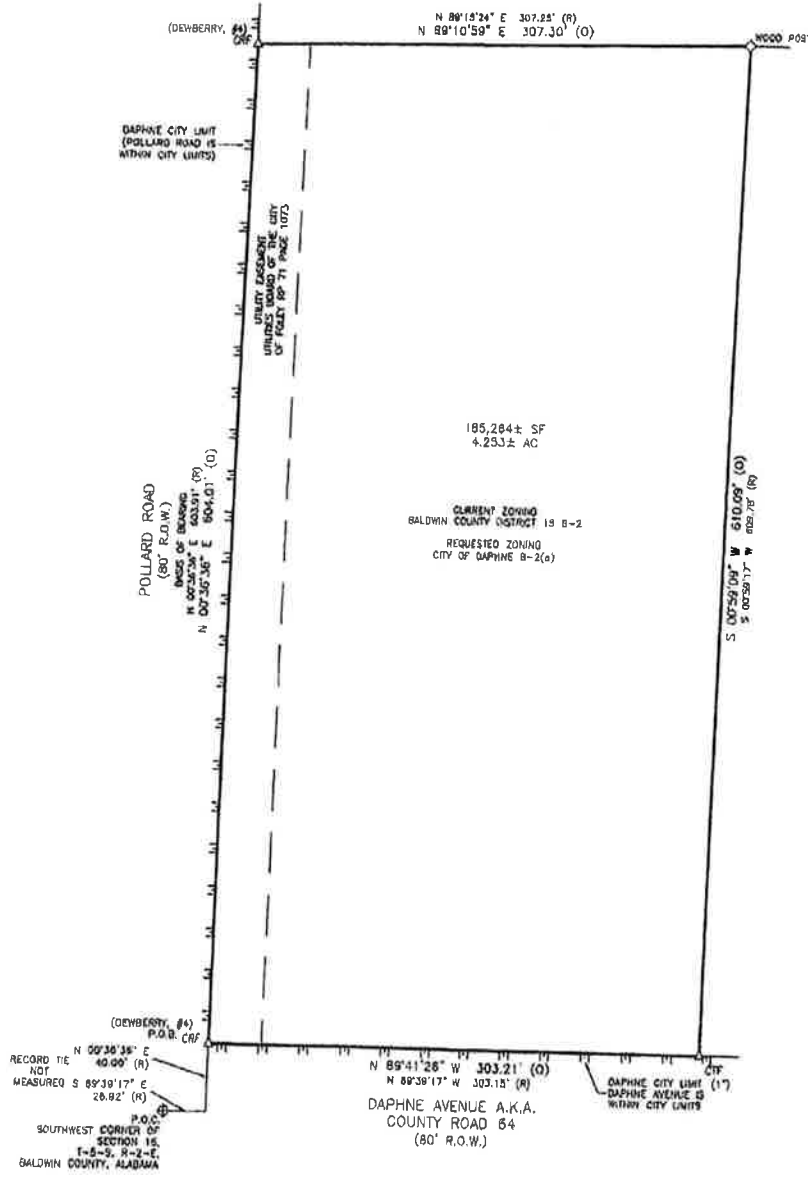
State of Alabama

County of Baldwin

Description of property to be pre-zoned to B-2(a), General Business Alternate District

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°39'17" EAST, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE 26.92 FEET; THENCE RUN NORTH 00°36'36" EAST, A DISTANCE OF 40.00 FEET TO A CAPPED REBAR (CA-1109-LS) AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE) AND THE EAST RIGHT-OF-WAY OF POLLARD ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°36'36" EAST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 603.91 FEET TO A CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°15'24" EAST, A DISTANCE OF 307.25 FEET TO A FENCE WOOD POST; THENCE RUN SOUTH 00°59'17" WEST, A DISTANCE OF 609.78 FEET TO A 1 INCH CRIMP TOP IRON AT THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE); THENCE RUN NORTH 89°39'17" WEST, A DISTANCE OF 303.15 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.25 ACRES, MORE OR LESS, AND LIES IN SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 WEST, BALDWIN COUNTY, ALABAMA.

# Exhibit B



- SYMBOL LEGEND**
- △ CRP CAPPED IRON ROD FOUND
  - CRT CRIMPED TOP PIPE FOUND
  - △ CRT CONCRETE MONUMENT FOUND
  - △ CRT OPEN TOP IRON PIPE FOUND
  - △ RFB REBAR FOUND
  - △ RFB IRON PIPE FOUND
  - CRP CAPPED IRON ROD SET
  - RFB IRON ROD
  - CRT CRIMPED
  - CRT CRIMPED TOP PIPE
  - P.O.C. POINT OF BEGINNING
  - P.O.B. POINT OF BEGINNING
  - CHAIN LINK FENCE
  - - - FENCE
  - - - WOOD FENCE

- UTILITY LEGEND**
- LANT POLE
  - POWER POLE
  - ELECTRICAL BOX
  - AIR CONDITIONING CONDENSER
  - OVERHEAD POINT
  - PRIMARY SEWER MANHOLE
  - PRIMARY SEWER VALVE
  - SEWER LOCATOR
  - SEWER METER
  - SEWER SEWER PIPE
  - ONE METER
  - SURFACE LOCATOR
  - ONE METER
  - GAS METER
  - WATER METER
  - WATER VALVE
  - FRI FIRE HYDRANT
  - FRI FIRE HYDRANT CONTROL VALVE
  - SURFACE LOCATOR
  - METER MANHOLE
  - WATER PIPE
  - TELEPHONE FIBERGLASS
  - FIBER OPTIC CABLE
  - SURFACE LOCATOR
  - FIBER OPTIC MANHOLE
  - FIBER OPTIC CABLE
  - CABLE MANHOLE
  - SEWER MANHOLE
  - CRP PILE
  - IRON PIPE (CONCRETE)
  - CRP-CORRODED METAL PIPE
  - RFB-REINFORCED CONCRETE PIPE
  - RFB-REINFORCED CONCRETE IRON PIPE
  - CRP-CORRODED PLASTIC PIPE (DPIPE)

BALDWIN COUNTY  
ALABAMA

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°30'11" EAST, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE 28.97 FEET; THENCE RUN NORTH 00°36'36" EAST, A DISTANCE OF 40.00 FEET TO A CAPPED REBAR (C4-1109-LS); AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE) AND THE EAST RIGHT-OF-WAY OF POLLARD ROAD FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°36'36" EAST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 603.91 FEET TO A CAPPED REBAR (C4-1109-LS); THENCE RUN NORTH 89°15'24" EAST, A DISTANCE OF 307.25 FEET TO A FENCE WOOD POST; THENCE RUN SOUTH 00°59'11" WEST, A DISTANCE OF 609.78 FEET TO A 1 INCH CRIMP TOP IRON AT THE NORTH RIGHT-OF-WAY OF COUNTY ROAD 64 (A.K.A. DAPHNE AVENUE); THENCE RUN NORTH 89°39'11" WEST, A DISTANCE OF 303.15 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 4.25 ACRES, MORE OR LESS, AND LIES IN SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 WEST, BALDWIN COUNTY, ALABAMA.

I HEREBY 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.

- NOTES:**
1. TYPE OF SURVEY INDICATED.
  2. RECORD DRAWINGS BASED ON OUR HIGHEST QUALITY RECORDS AS REFERENCED AND LISTED IN THE OFFICE OF THE JUDGE OF PUBLIC ACCOUNTS, BALDWIN COUNTY, ALABAMA.
  3. THIS DRAWING AND DESCRIPTION DOES NOT REFLECT ANY TITLE OR EASEMENT REVENUE OTHER THAN THAT WHICH IS VISIBLE OR PROVIDED BY THE CLIENT'S CONVEYANCE INSTRUMENTS ESTABLISHED BY PUBLIC RECORDS OR RESPECTIVE COVENANTS ARE NOT SHOWN.
  4. THIS DRAWING IS THE PROPERTY OF SMITH & ASSOCIATES, IF IS MADE FOR THE USE OF THE CLIENT NAMED HEREIN AND IS NON-TRANSFERABLE TO ANY OTHER PARTY, IT MAY NOT BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT, CLAIM, OR ASSOCIATE.
  5. THIS DRAWING IS TO SCALE UNLESS INDICATED OTHERWISE AND IS SUBJECT TO THE SCALE.

<table border="1"> <tr> <td>DATE</td> <td>SCALE</td> <td>DATE</td> <td>SCALE</td> </tr> <tr> <td>3/27/23</td> <td>1"=50'</td> <td></td> <td></td> </tr> <tr> <td>TRACED NUMBER</td> <td>DATE</td> <td></td> <td></td> </tr> <tr> <td>23-109</td> <td>1/1/19</td> <td></td> <td></td> </tr> </table>	DATE	SCALE	DATE	SCALE	3/27/23	1"=50'			TRACED NUMBER	DATE			23-109	1/1/19			<p style="text-align: center;">O'GWYNN PROPERTIES, LLC</p> <p style="text-align: center;">BOUNDARY SURVEY 26070 POLLARD ROAD DAPHNE, ALABAMA</p>	
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