

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022- 03**

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

**Southeast of Equity Drive and County Road 64
Iris Patricia DeFilippi**

WHEREAS, on the 27th day of September, 2021, Iris Patricia DeFilippi, 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 October 28, 2021, 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 December 20, 2021, 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 January 4, 2022, regularly scheduled City Council meeting, Ordinance 2022-02 was adopted pre-zoning the said property as B-2, General Business, 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:

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.

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 "A" 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 3rd DAY OF January, 2022.



Robin LeJeune, Mayor

ATTEST:

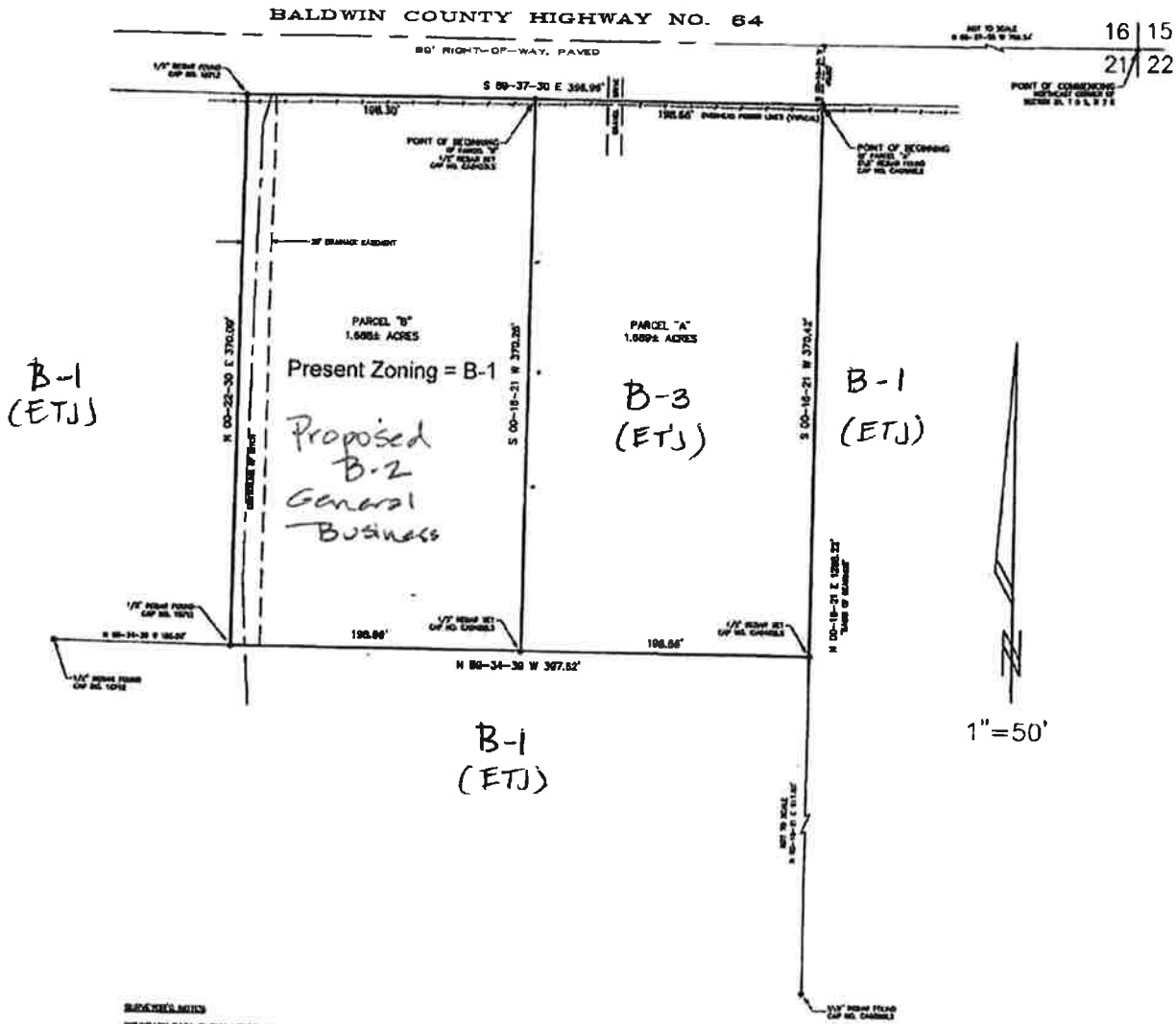


Candace G. Antinarella, CMC, City Clerk

2002-6LS
4/10/06

Exhibit A

Present Zoning of Parcel "B"



SURVEY NOTES

BOUNDARY DATA SHOWN HEREIN IS CALCULATED FROM TRAVELING DATA.

BOUNDARY MARKERS SHOWN HEREIN HAVE BEEN DAMAGED WITH STAKES PUNTED IN PLACE. ALL OTHER MARKERS STAKED OR FLAGGED ARE ACCESSORY OR CONTROL POINTS.

F.L.M.A. FLOODED INSURANCE RATE MAP MAP NO. 30000-0030-K, EFFECTIVE JUNE 17, 2000, SHOWS THIS PROPERTY TO BE IN FLOOD ZONE X (CLEAR).

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, 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 THIS SURVEY; EASEMENTS BEYOND THE RESTRICTIONS, COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT ARE ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

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

SURVEYOR 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 89-37-30 WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, 743.54 FEET TO A POINT; RUN THENCE NORTH 00-16-21 WEST, 403.02 FEET TO A CAPPED REBAR MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64 (60 FEET RIGHT-OF-WAY) FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; CONTINUE THENCE SOUTH 00-16-21 WEST, 308.42 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 89-34-30 WEST, 188.68 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-14-21 EAST, 319.38 FEET TO A CAPPED REBAR MARKER ON THE FORESLAND SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64; RUN THENCE SOUTH 89-37-30 EAST, ALONG SAID RIGHT-OF-WAY LINE, 188.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1.8892 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 89-37-30 WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, 743.54 FEET TO A POINT; RUN THENCE SOUTH 00-16-21 WEST, 403.02 FEET TO A CAPPED REBAR MARKER ON THE SOUTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 64 (60 FEET RIGHT-OF-WAY); RUN THENCE NORTH 00-22-22 WEST, ALONG SAID RIGHT-OF-WAY LINE, 188.68 FEET TO A CAPPED REBAR MARKER FOR THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; RUN THENCE SOUTH 00-16-21 WEST, 370.25 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 89-34-30 WEST, 188.68 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH 00-21-30 EAST, 370.25 FEET TO A CAPPED REBAR MARKER; RUN THENCE NORTH COUNTY HIGHWAY NO. 64; RUN THENCE SOUTH 89-34-30 EAST, ALONG SAID RIGHT-OF-WAY LINE, 188.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1.6882 ACRES, MORE OR LESS; SUBJECT TO EASEMENT FOR OVERPASS OVER AND ACROSS THE FORESLAND 30 FEET WIDE.

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. 19934



GARSD LAND SURVEY 21422 STATE HIGHWAY NO. 181 P.O. BOX 1263 FARMVILLE, AL 36533 (205) 918-8897	A 2-PARCEL BOUNDARY SURVEY FOR TONY AND PATSY DEFLIPPI SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA	SURVEY DATE: JUNE 21, 2006	PLAT DATE: JULY 13, 2006
		SCALE: 1" = 50'	DRAWN BY: P.L.S.
		REVISIONS: NONE	DRAWING NO.: 008-370