

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-11**

**Ordinance to Pre-Zone Property Located at the
East and Southeast of Robbins Boulevard and Ashbury Hill Road
GCOF Reserve of Daphne, L.L.C. and 68V Reserve at Plantation Hills, 2021, L.L.C.**

WHEREAS, GCOF Reserve of Daphne, L.L.C. and 68V Reserve at Plantation Hills, 2021, L.L.C., as the owners of certain real property located within the unincorporated area of Baldwin County, Alabama, have requested that said property that is currently zoned by the County as RSF-2, Residential Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-3, High Density Single Family Residential, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located East and Southeast of Robbins Boulevard and Ashbury Hill Road, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

BEGIN AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN AND RUN THENCE SOUTH 00°17'09" WEST, ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 2,657.61 FEET TO A CRIMP TOP IRON PIPE; THENCE RUN NORTH 89°47'01" WEST, A DISTANCE OF 2149.52 FEET TO A CAPPED REBAR (CA-0089-LS); THENCE RUN NORTH 89°48'35" WEST, A DISTANCE OF 496.47 FEET TO A CAPPED REBAR (LS 19254); THENCE RUN NORTH 89°57'11" WEST, A DISTANCE OF 1,304.46 FEET TO A NAIL WITH SHINER IN AN OLD FENCE POST (CA-0568-LS); THENCE RUN NORTH 00°00'08" EAST, A DISTANCE OF 2,658.04 FEET TO CAPPED REBAR (CA-0089-LS) ON THE SOUTH LINE OF BAY BRANCH VILLAS, PHASE 6-B, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2216-F AND SLIDES 2217-A & 2217-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°52'03" EAST, ALONG THE SOUTH MARGIN OF SAID BAY BRANCH VILLAS, PHASE 6-B, A DISTANCE OF 504.59 FEET TO CAPPED REBAR; THENCE RUN SOUTH 89°50'01" EAST, ALONG THE SOUTH LINE OF BAY BRANCH ESTATES PHASE 5, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2011-B AND 2011-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1,479.44 FEET TO A CAPPED REBAR (CEC) AT THE SOUTHWEST CORNER OF PLANTATION HILLS SOUTH, PHASE 2, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2020-B AND 2020-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'11" EAST, ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, A DISTANCE OF 638.30 FEET TO A CAPPED REBAR (CA-0568-LS) AT THE SOUTHWEST CORNER OF LOT 56 OF SAID PLANTATION HILLS SOUTH, PHASE 2; THENCE RUN ALONG THE EAST MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 2, THE FOLLOWING COURSES, TO WIT; NORTH 00°01'54" EAST, A DISTANCE OF 170.51 FEET; SOUTH 89°55'34" EAST, A DISTANCE OF 43.06 FEET TO A 5/8" REBAR; NORTH 00°18'23" EAST, A DISTANCE OF 220.16 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); SOUTH 89°38'30" EAST, A DISTANCE OF 81.89 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°58'32" WEST, A DISTANCE OF 180.26 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 89°49'10" WEST, A DISTANCE OF 142.41 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°23'00" EAST, A DISTANCE OF 60.07 FEET TO 1/2" REBAR; SOUTH 89°47'31" EAST, A DISTANCE OF 157.97 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 02°14'29" WEST, A DISTANCE OF 170.15 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°11'49" EAST, A DISTANCE OF 343.67 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS) ON THE SOUTH MARGIN OF PLANTATION HILLS SOUTH, PHASE 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 1825-A, PROBATE

RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SOUTH, PHASE 1, THE FOLLOWING COURSES, TO WIT; SOUTH 89°48'31" EAST, A DISTANCE OF 134.82 FEET TO A 5/8" CAPPED REBAR (CA-0568-LS); NORTH 00°21'19" EAST, A DISTANCE OF 49.29 FEET TO A 1/2" CAPPED REBAR (CA-0568-LS); SOUTH 89°43'08" EAST, A DISTANCE OF 187.25 FEET TO A 1/2" CAPPED REBAR (CEC); NORTH 66°32'15" EAST, A DISTANCE OF 129.09 FEET TO A 1/2" CAPPED REBAR (MOORE) AT THE SOUTHWEST CORNER OF LOT 291 OF PLANTATION HILLS SUBDIVISION, UNIT 4, AS SHOWN BY MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, AT PAGE 26, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN ALONG THE SOUTH MARGIN OF SAID PLANTATION HILLS SUBDIVISION, UNIT 4, THE FOLLOWING COURSES, TO WIT; SOUTH 83°56'16" EAST, A DISTANCE OF 122.19 FEET; NORTH 75°36'18" EAST, A DISTANCE OF 63.76 FEET; SOUTH 89°49'24" EAST, A DISTANCE OF 214 FEET, MORE OR LESS, TO THE CENTER OF BAY BRANCH; THENCE RUN SOUTHERLY, ALONG THE MEANDERS OF SAID BAY BRANCH, A DISTANCE OF 1,194 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 89°50'53" EAST, A DISTANCE OF 332 FEET, MORE OR LESS, OF A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 89°50'53" WEST, A DISTANCE OF 332 FEET, MORE OR LESS, TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN NORTH 10°06'02" WEST, A DISTANCE OF 160.48 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 40.85 FEET, (CHORD BEARS SOUTH 68°46'51" WEST, A DISTANCE OF 40.77 FEET) TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 10°06'02" EAST, A DISTANCE OF 161.49 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 80°34'34" WEST, A DISTANCE OF 367.40 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 153.67 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS); THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 200.73 FEET, (CHORD BEARS SOUTH 24°52'48" EAST, A DISTANCE OF 90.62 FEET); THENCE RUN SOUTH 00°07'44" WEST, A DISTANCE OF 170.00 FEET; THENCE RUN SOUTH 89°50'38" EAST, A DISTANCE OF 1,071.74 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 258.43 ACRES, MORE OR LESS, AND LIES IN SECTION 1 AND SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on November 18, 2021, the Commission considered said request and a unanimous vote to set forth a favorable recommendation to the City Council to pre-zone the property R-3 High Density Single Family Residential; 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 February 7, 2022; 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 R-3 High Density Single Family Residential, 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 RSF-2, Residential Single Family District, Baldwin County District 15, Extraterritorial 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.

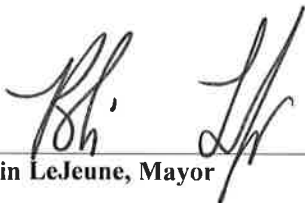
SECTION III: SEVERABILITY.

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.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 21st day of February, 2022.



Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, CMC, City Clerk

