

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-01**



**Ordinance to Pre-zone Property Located at the
Northwest Intersection of Alabama State Highway 181 and Milton Jones Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, 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 B-2, Neighborhood Business in Baldwin County, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District prior to annexing into the City of Daphne; and

WHEREAS, said real property is at the northwest intersection of Alabama State Highway 181 and Milton Jones Road, and more particularly described as follows:

Legal Description for Pre-zone:

**B-3
20.66 AC**

PARCEL "B"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on November 17, 2016, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property B-3, Professional 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 the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning 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 pre-zoned to B-3, Professional Business District 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 be amended to reflect the 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 to 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-2, Neighborhood Business.

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.

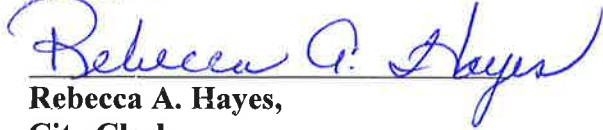
This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then 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 17th day of January, 2017.



Dane Haygood,
Mayor

ATTEST:



Rebecca A. Hayes,
City Clerk

Bertolla Legal Description to be Annexed:

PARCEL "B"
COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°17'41"-W, 1001.30 FEET TO A POINT; THENCE RUN WEST, 37.97 TO A POINT ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181; THENCE RUN S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 748.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S-00°19'48"-W ALONG SAID WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY NUMBER 181, 877.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD; THENCE RUN N-89°51'59"-W ALONG SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 818.90 FEET TO A POINT; THENCE RUN N-24°37'17"-W LEAVING SAID NORTH RIGHT-OF-WAY OF MILTON JONES ROAD, 970.41 FEET TO A POINT; THENCE RUN S-89°40'12"-E, 1228.26 FEET TO THE POINT OF BEGINNING, CONTAINING 20.66 ACRES, MORE OR LESS

