

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2022- 39**

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

**Southeast of the Intersection of Pleasant Road and County Road 13  
Ann E. Berga and Teresa Warner**

**WHEREAS**, on the 20<sup>th</sup> day of December, 2021, Ann E. Berga and Teresa, being the owners 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 April 28, 2022, and the Commission set forth a unanimously 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 June 20, 2022, 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 July 5 2022, regularly scheduled City Council meeting, Ordinance 2022-38 was adopted pre-zoning the said property as R-6(G), Garden or Patio Home, 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:**

*BEGINNING AT A 1/2 INCH CAPPED REBAR FOUND AT THE NORTHEAST CORNER OF OTTAWA SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2255-E, BALDWIN COUNTY PROBATE RECORDS, AND RUN THENCE NORTH 00 DEGREES 12*

MINUTES 23 SECONDS EAST, A DISTANCE OF 1327.57 FEET TO A 5/8 INCH CAPPED REBAR FOUND (EDS) AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89 DEGREES 35 MINUTES 00 SECONDS WEST, A DISTANCE OF 661.74 FEET TO A 5/8 INCH CAPPED REBAR FOUND (EDS) AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE RUN SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 664.28 FEET TO A 1/2 INCH CAPPED REBAR SET (SE CIVIL) AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE RUN NORTH 89 DEGREES 29 MINUTES 01 SECONDS WEST, A DISTANCE OF 662.65 FEET TO A 1/2 INCH CAPPED REBAR FOUND AT THE SOUTHEAST CORNER OF ASHLEY PLACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 1608-A, BALDWIN COUNTY PROBATE RECORDS; THENCE RUN NORTH 89 DEGREES 36 MINUTES 48 SECONDS WEST, ALONG THE SOUTH LINE OF SAID ASHLEY PLACE, A DISTANCE OF 1284.52 FEET TO A 1/2 INCH CAPPED REBAR SET (SE CIVIL) ON THE EAST RIGHT-OF-WAY OF COUNTY ROAD 13 (80 FOOT RIGHT-OF-WAY); THENCE RUN SOUTH 00 DEGREES 18 MINUTES 48 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 664.82 FEET TO A 1/2 INCH CAPPED REBAR SET (SE CIVIL) AT THE NORTHWEST CORNER OF THE AFOREMENTIONED OTTAWA SPRINGS; THENCE RUN SOUTH 89 DEGREES 37 MINUTES 44 SECONDS EAST, ALONG THE NORTH LINE OF SAID OTTAWA SPRINGS, A DISTANCE OF 1260.40 FEET TO A 1/2" CAPPED REBAR SET (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 35 MINUTES 05 SECONDS EAST, ALONG SAID NORTH LINE OF OTTAWA SPRINGS, A DISTANCE OF 1320.86 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 49.90 ACRES, MORE OR LESS.

#### **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**

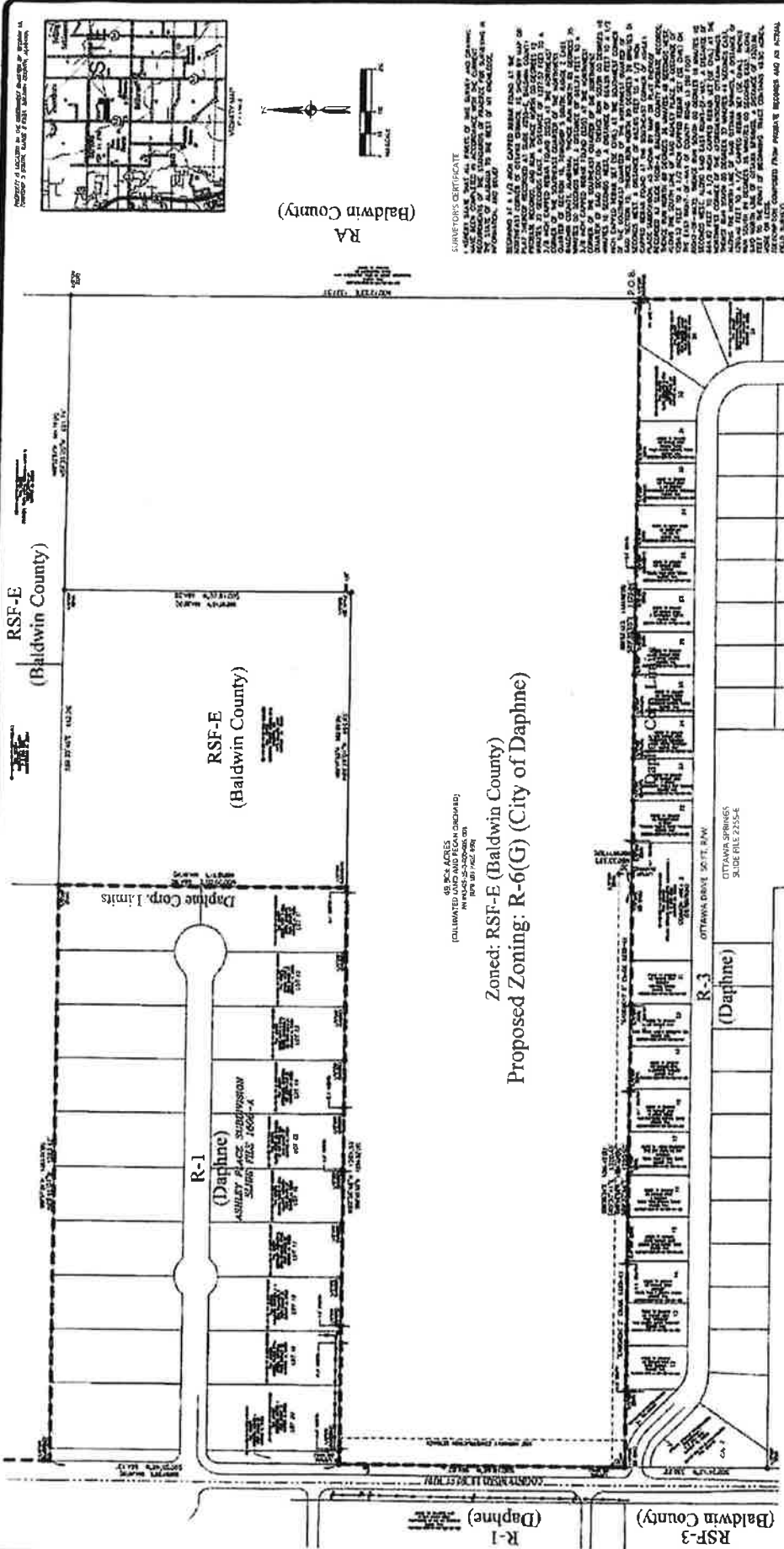
This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office 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 5<sup>th</sup> day of July, 2022.**

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

**ATTEST:**

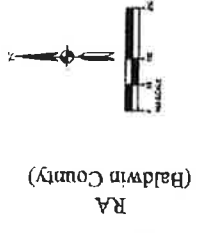
  
Candace G. Antinarella, CMC, City Clerk



68.26 ACRES  
 (COLLECTED BY BALDWIN COUNTY)  
 MAP NO. 20-202000-01  
 10/18/2020

Zoned: RSF-E (Baldwin County)  
 Proposed Zoning: R-6(G) (City of Daphne)

PROPERTY IS LOCATED IN THE UNINCORPORATED AREA OF BALDWIN COUNTY, ALABAMA.



**SURVEYOR'S CERTIFICATE**

I, **DAVID L. SMITH**, a duly licensed Professional Engineer in the State of Alabama, do hereby certify that the above and foregoing plat was prepared and is correct in accordance with the laws of the State of Alabama and the rules and regulations of the State Board of Professional Engineers and Surveyors, and that the same were prepared and are correct in accordance with the laws of the State of Alabama and the rules and regulations of the State Board of Professional Engineers and Surveyors.

**DAVID L. SMITH**  
 Professional Engineer  
 License No. 13173  
 State of Alabama



DATE: 10/18/2020  
 TIME: 10:00 AM  
 PROJECT: 20-202000-01



PROPERTY BOUNDARY SURVEY  
 BRELAND HOMES COASTAL

# EXHIBIT A

FLOOD STATEMENT  
 PREPARED AS AN ADDENDUM TO THE PROPOSED ZONING MAP FOR THE CITY OF DAPHNE, ALABAMA, BY THE BALDWIN COUNTY BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

- SURVEYOR'S NOTES:**
1. THE SURVEY WAS CONDUCTED ON 10/18/2020.
  2. THE SURVEY WAS CONDUCTED BY DAVID L. SMITH, A DULY LICENSED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF ALABAMA.
  3. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  4. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  5. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  6. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  7. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  8. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  9. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.
  10. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

- LEGEND:**
- 1. LOT BOUNDARY
  - 2. PROPERTY BOUNDARY
  - 3. ZONING BOUNDARY
  - 4. CITY OF DAPHNE
  - 5. BALDWIN COUNTY
  - 6. UNINCORPORATED AREA
  - 7. ADJACENT PROPERTY
  - 8. ADJACENT ZONING
  - 9. ADJACENT COUNTY
  - 10. ADJACENT STATE
  - 11. ADJACENT FEDERAL
  - 12. ADJACENT INTERNATIONAL
  - 13. ADJACENT TERRITORY
  - 14. ADJACENT MARITIME
  - 15. ADJACENT AIR
  - 16. ADJACENT SPACE
  - 17. ADJACENT UNDERGROUND
  - 18. ADJACENT OVERGROUND
  - 19. ADJACENT TRANSPORTATION
  - 20. ADJACENT UTILITIES
  - 21. ADJACENT TELECOMMUNICATIONS
  - 22. ADJACENT ENERGY
  - 23. ADJACENT ENVIRONMENTAL
  - 24. ADJACENT HISTORICAL
  - 25. ADJACENT CULTURAL
  - 26. ADJACENT RECREATION
  - 27. ADJACENT EDUCATION
  - 28. ADJACENT HEALTHCARE
  - 29. ADJACENT SOCIAL SERVICES
  - 30. ADJACENT GOVERNMENT
  - 31. ADJACENT PRIVATE
  - 32. ADJACENT PUBLIC
  - 33. ADJACENT COMMERCIAL
  - 34. ADJACENT RESIDENTIAL
  - 35. ADJACENT INDUSTRIAL
  - 36. ADJACENT AGRICULTURAL
  - 37. ADJACENT FORESTRY
  - 38. ADJACENT MINING
  - 39. ADJACENT QUARRYING
  - 40. ADJACENT EXPLORATION
  - 41. ADJACENT PRODUCTION
  - 42. ADJACENT DISTRIBUTION
  - 43. ADJACENT RETAIL
  - 44. ADJACENT WHOLESALE
  - 45. ADJACENT SERVICE
  - 46. ADJACENT FINANCIAL
  - 47. ADJACENT PROFESSIONAL
  - 48. ADJACENT ARTS
  - 49. ADJACENT ENTERTAINMENT
  - 50. ADJACENT CULTURE
  - 51. ADJACENT LEISURE
  - 52. ADJACENT RECREATION
  - 53. ADJACENT EDUCATION
  - 54. ADJACENT HEALTHCARE
  - 55. ADJACENT SOCIAL SERVICES
  - 56. ADJACENT GOVERNMENT
  - 57. ADJACENT PRIVATE
  - 58. ADJACENT PUBLIC
  - 59. ADJACENT COMMERCIAL
  - 60. ADJACENT RESIDENTIAL
  - 61. ADJACENT INDUSTRIAL
  - 62. ADJACENT AGRICULTURAL
  - 63. ADJACENT FORESTRY
  - 64. ADJACENT MINING
  - 65. ADJACENT QUARRYING
  - 66. ADJACENT EXPLORATION
  - 67. ADJACENT PRODUCTION
  - 68. ADJACENT DISTRIBUTION
  - 69. ADJACENT RETAIL
  - 70. ADJACENT WHOLESALE
  - 71. ADJACENT SERVICE
  - 72. ADJACENT FINANCIAL
  - 73. ADJACENT PROFESSIONAL
  - 74. ADJACENT ARTS
  - 75. ADJACENT ENTERTAINMENT
  - 76. ADJACENT CULTURE
  - 77. ADJACENT LEISURE
  - 78. ADJACENT RECREATION
  - 79. ADJACENT EDUCATION
  - 80. ADJACENT HEALTHCARE
  - 81. ADJACENT SOCIAL SERVICES
  - 82. ADJACENT GOVERNMENT
  - 83. ADJACENT PRIVATE
  - 84. ADJACENT PUBLIC
  - 85. ADJACENT COMMERCIAL
  - 86. ADJACENT RESIDENTIAL
  - 87. ADJACENT INDUSTRIAL
  - 88. ADJACENT AGRICULTURAL
  - 89. ADJACENT FORESTRY
  - 90. ADJACENT MINING
  - 91. ADJACENT QUARRYING
  - 92. ADJACENT EXPLORATION
  - 93. ADJACENT PRODUCTION
  - 94. ADJACENT DISTRIBUTION
  - 95. ADJACENT RETAIL
  - 96. ADJACENT WHOLESALE
  - 97. ADJACENT SERVICE
  - 98. ADJACENT FINANCIAL
  - 99. ADJACENT PROFESSIONAL
  - 100. ADJACENT ARTS
  - 101. ADJACENT ENTERTAINMENT
  - 102. ADJACENT CULTURE
  - 103. ADJACENT LEISURE
  - 104. ADJACENT RECREATION
  - 105. ADJACENT EDUCATION
  - 106. ADJACENT HEALTHCARE
  - 107. ADJACENT SOCIAL SERVICES
  - 108. ADJACENT GOVERNMENT
  - 109. ADJACENT PRIVATE
  - 110. ADJACENT PUBLIC
  - 111. ADJACENT COMMERCIAL
  - 112. ADJACENT RESIDENTIAL
  - 113. ADJACENT INDUSTRIAL
  - 114. ADJACENT AGRICULTURAL
  - 115. ADJACENT FORESTRY
  - 116. ADJACENT MINING
  - 117. ADJACENT QUARRYING
  - 118. ADJACENT EXPLORATION
  - 119. ADJACENT PRODUCTION
  - 120. ADJACENT DISTRIBUTION
  - 121. ADJACENT RETAIL
  - 122. ADJACENT WHOLESALE
  - 123. ADJACENT SERVICE
  - 124. ADJACENT FINANCIAL
  - 125. ADJACENT PROFESSIONAL
  - 126. ADJACENT ARTS
  - 127. ADJACENT ENTERTAINMENT
  - 128. ADJACENT CULTURE
  - 129. ADJACENT LEISURE
  - 130. ADJACENT RECREATION
  - 131. ADJACENT EDUCATION
  - 132. ADJACENT HEALTHCARE
  - 133. ADJACENT SOCIAL SERVICES
  - 134. ADJACENT GOVERNMENT
  - 135. ADJACENT PRIVATE
  - 136. ADJACENT PUBLIC
  - 137. ADJACENT COMMERCIAL
  - 138. ADJACENT RESIDENTIAL
  - 139. ADJACENT INDUSTRIAL
  - 140. ADJACENT AGRICULTURAL
  - 141. ADJACENT FORESTRY
  - 142. ADJACENT MINING
  - 143. ADJACENT QUARRYING
  - 144. ADJACENT EXPLORATION
  - 145. ADJACENT PRODUCTION
  - 146. ADJACENT DISTRIBUTION
  - 147. ADJACENT RETAIL
  - 148. ADJACENT WHOLESALE
  - 149. ADJACENT SERVICE
  - 150. ADJACENT FINANCIAL
  - 151. ADJACENT PROFESSIONAL
  - 152. ADJACENT ARTS
  - 153. ADJACENT ENTERTAINMENT
  - 154. ADJACENT CULTURE
  - 155. ADJACENT LEISURE
  - 156. ADJACENT RECREATION
  - 157. ADJACENT EDUCATION
  - 158. ADJACENT HEALTHCARE
  - 159. ADJACENT SOCIAL SERVICES
  - 160. ADJACENT GOVERNMENT
  - 161. ADJACENT PRIVATE
  - 162. ADJACENT PUBLIC
  - 163. ADJACENT COMMERCIAL
  - 164. ADJACENT RESIDENTIAL
  - 165. ADJACENT INDUSTRIAL
  - 166. ADJACENT AGRICULTURAL
  - 167. ADJACENT FORESTRY
  - 168. ADJACENT MINING
  - 169. ADJACENT QUARRYING
  - 170. ADJACENT EXPLORATION
  - 171. ADJACENT PRODUCTION
  - 172. ADJACENT DISTRIBUTION
  - 173. ADJACENT RETAIL
  - 174. ADJACENT WHOLESALE
  - 175. ADJACENT SERVICE
  - 176. ADJACENT FINANCIAL
  - 177. ADJACENT PROFESSIONAL
  - 178. ADJACENT ARTS
  - 179. ADJACENT ENTERTAINMENT
  - 180. ADJACENT CULTURE
  - 181. ADJACENT LEISURE
  - 182. ADJACENT RECREATION
  - 183. ADJACENT EDUCATION
  - 184. ADJACENT HEALTHCARE
  - 185. ADJACENT SOCIAL SERVICES
  - 186. ADJACENT GOVERNMENT
  - 187. ADJACENT PRIVATE
  - 188. ADJACENT PUBLIC
  - 189. ADJACENT COMMERCIAL
  - 190. ADJACENT RESIDENTIAL
  - 191. ADJACENT INDUSTRIAL
  - 192. ADJACENT AGRICULTURAL
  - 193. ADJACENT FORESTRY
  - 194. ADJACENT MINING
  - 195. ADJACENT QUARRYING
  - 196. ADJACENT EXPLORATION
  - 197. ADJACENT PRODUCTION
  - 198. ADJACENT DISTRIBUTION
  - 199. ADJACENT RETAIL
  - 200. ADJACENT WHOLESALE