

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2022-57**

**AN ORDINANCE AMENDING ORDINANCE 2021-66 AND AUTHORIZING THE
EXECUTION OF A FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT
WITH TARGET CORPORATION TO CONVEY CERTAIN MUNICIPAL PROPERTY
IN EXCHANGE FOR CERTAIN REAL PROPERTY NEEDED FOR RIGHT-OF-WAY
ACQUISITION RELATED TO THE LAVENDER LANE PROJECT**

WHEREAS, the City of Daphne, in conjunction with the Alabama Department of Transportation, has proposed a roadway extension project for Lavender Lane on the east side of Highway 98, just north of the Daphne Justice Center (the “Project”); and

WHEREAS, a certain portion of real property owned by Target Corporation (“Target”) containing approximately 0.34 ± acres (the “Roadway Parcel”) must be acquired by the City in order to complete the Project; and

WHEREAS, as consideration for Target’s conveyance to the City of the Roadway Parcel, the City wishes to convey to Target the following described portion of real property containing approximately 0.02 ± acres (the “Sign Parcel”) which will enable Target to remove its existing monument sign perpendicular to Highway 98 and install a new freestanding monument sign near the intersection of Lavender Lane with Highway 98; and

WHEREAS, there being no monetary compensation in connection with the proposed conveyances of property, the City Council of the City of Daphne adopted Ordinance 2021-66 on December 20, 2021, authorizing the execution and delivery of a certain Land Exchange Agreement (the “Agreement”) between the City and Target, a copy of which is attached hereto as Exhibit 1, to memorialize the terms agreed upon therein; and

WHEREAS, since entering into the Agreement, the City determined it is necessary to revise the location of a portion of the Sign Parcel to prevent it from cutting off other parcels of land from being contiguous to US Highway 98 under the provisions of the City’s Land Use and Development Ordinance; and

WHEREAS, the revised location of the Sign Parcel is acceptable to Target, as it will not affect the location of Target’s sign placement; and

WHEREAS, the City and Target wish to enter into a First Amendment to Land Exchange Agreement, to substitute certain exhibits setting forth the legal description for the subject parcels of land being conveyed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

1. Ordinance 2021-66 is hereby amended to delete in its entirety the legal description set forth in Section 1 thereof, and replace the same with the following, for which it is hereby

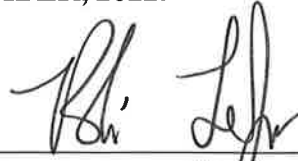
established and declared that such real property of the City of Daphne, Alabama, is no longer needed for public or municipal purposes, to wit:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3B, BAKER SUBDIVISION A RESUBDIVISION OF LOT 3, AS SHOWN IN MAP OR PLAT, RECORDED IN SLIDE 1970-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA: RUN THENCE SOUTH 89°48'59" EAST, A DISTANCE OF 1.0 FEET; THENCE RUN SOUTH 00°43'53" WEST, A DISTANCE OF 100.45 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 121.09 FEET, AN ARC LENGTH OF 131.75 FEET, (CHORD BEARS SOUTH 32°39'42" WEST, A DISTANCE OF 125.35 FEET); THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 117.00 FEET, AN ARC LENGTH OF 26.90 FEET, (CHORD BEARS SOUTH 72°43'04" WEST, A DISTANCE OF 26.84 FEET); THENCE RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 18.00 FEET, AN ARC LENGTH OF 6.98 FEET, (CHORD BEARS NORTH 89°34'42" WEST, A DISTANCE OF 6.94 FEET); THENCE RUN NORTH 78°27'41" WEST, A DISTANCE OF 45.27 FEET; THENCE RUN SOUTH 89°45'48" WEST, A DISTANCE OF 104.31 FEET; THENCE RUN NORTH 00°14'12" WEST, A DISTANCE OF 19.02 FEET; THENCE RUN NORTH 89°45'48" EAST, A DISTANCE OF 11.01 FEET; THENCE RUN SOUTH 00°14'12" EAST, A DISTANCE OF 8.51 FEET; THENCE RUN SOUTH 89°45'48" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN SOUTH 00°14'12" EAST, A DISTANCE OF 9.51 FEET; THENCE RUN NORTH 89°45'48" EAST, A DISTANCE OF 103.41 FEET; THENCE RUN SOUTH 78°27'41" EAST, A DISTANCE OF 45.37 FEET; THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 17.00 FEET, AN ARC LENGTH OF 6.60 FEET, (CHORD BEARS SOUTH 89°34'42" EAST, A DISTANCE OF 6.56 FEET); THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 116.00 FEET, AN ARC LENGTH OF 26.65 FEET, (CHORD BEARS NORTH 72°43'21" EAST, A DISTANCE OF 26.59 FEET); THENCE RUN ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 120.09 FEET, AN ARC LENGTH OF 130.63 FEET, (CHORD BEARS NORTH 32°39'31" EAST, A DISTANCE OF 124.29 FEET); THENCE RUN NORTH 00°43'53" EAST, A DISTANCE OF 100.43 FEET TO A 3/8 INCH CAPPED REBAR; SAID REBAR BEING THE POINT OF BEGINNING. TRACT CONTAINS 0.02 ACRES OR 887.77 SQUARE FEET.

2. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, a statutory warranty deed, a copy of which shall be on file in the office of the City Clerk, whereby the City shall convey the premises described in Section 1 hereof to Target Corporation for and in consideration of Target's conveyance of the Roadway Parcel to the City.

3. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, the First Amendment to Land Exchange Agreement in the form attached hereto as Exhibit 2, and the Mayor is further authorized to execute any and all other documents and instruments reasonably necessary to complete the exchange of real property contemplated in the Land Exchange Agreement as requested by Target and approved by the City Attorney.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS 6th DAY OF SEPTEMBER, 2022.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk

EXHIBIT 1

LAND EXCHANGE AGREEMENT

dated as of December 20, 2021, by and between the City of Daphne and Target Corporation

(attached)

EXHIBIT 2
FIRST AMENDMENT TO LAND EXCHANGE AGREEMENT

(attached)