

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-08**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF
A PERMANENT UTILITY EASEMENT TO DAPHNE UTILITIES**

WHEREAS, the Utilities Board of the City of Daphne, a public corporation (“Daphne Utilities”), has requested a permanent utility easement from the City of Daphne (the “City”) for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of GRANTEE’S utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 163.49 FEET TO THE POINT OF BEGINNING; THENCE RUN N56°10'42"E, LEAVING SAID NORTH LINE, 56.05 FEET TO A POINT; THENCE RUN N89°02'43"E, 362.64 FEET TO A POINT; THENCE RUN S00°57'17"E, 15.00 FEET TO A POINT; THENCE RUN S89°02'43"W, 358.22 FEET TO A POINT; THENCE RUN S56°10'42"W, 74.17 FEET TO A POINT; THENCE RUN S00°19'16"W, 14.38 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 17.58 FEET TO A POINT; THENCE RUN N56°10'42"E, 38.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,026 SQ. FT.±

(hereinafter referred to as the “Easement”); and

WHEREAS, the City Council of the City has determined that the granting of the Easement to Daphne Utilities will serve a public purpose.

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

1. The Mayor and Clerk of the City are each hereby authorized to execute the Easement to Daphne Utilities, in substantially the form attached hereto as Exhibit A.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE 6th DAY OF February, 2023.



Robin LeJeune, Mayor

ATTEST:



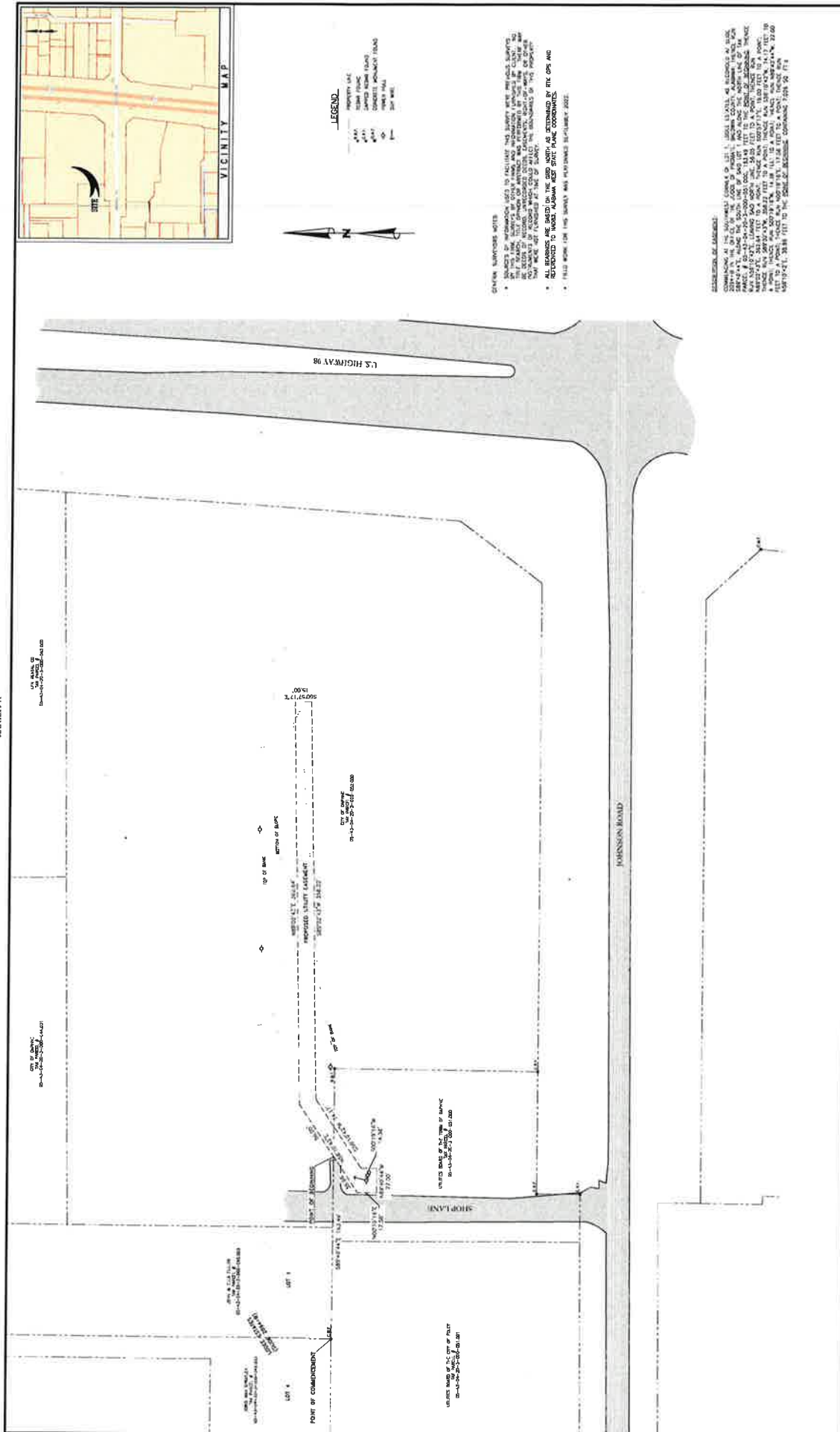
Candace G. Antinarella, CMC, City Clerk

EXHIBIT A

Easement to Daphne Utilities

(attached)

EXHIBIT A



NUMBER	REVISION	DATE

SCALE:	1"=40'
DATE:	DECEMBER 7, 2022
DRAWN BY:	OM
CHECKED BY:	
SHEET:	1 OF 1

PROPOSED UTILITY EASEMENT
7145 JOHNSON RD, DAPHNE, AL
DAPHNE UTILITIES

GRAPHIC SCALE
1 inch = 40 feet



STATE OF ALABAMA }

EASEMENT

COUNTY OF BALDWIN }

KNOW ALL MEN BY THESE PRESENTS, that **THE CITY OF DAPHNE**, a municipality in the State of Alabama, (hereinafter collectively referred to as "GRANTOR"), for and in consideration of the amount of One and No/100 (\$1.00) Dollars and other good and valuable consideration in hand paid to the GRANTOR by **THE UTILITIES BOARD OF THE CITY OF DAPHNE**, a public corporation of Alabama, (hereinafter referred to as "GRANTEE"), the receipt and sufficiency whereof is hereby acknowledged by the said GRANTOR, and for the further consideration of the general benefit which will accrue to the public and the benefit which may accrue to the GRANTOR by reason of the utilities installed, does hereby, subject to terms hereinafter contained, **GRANT, BARGAIN, SELL AND CONVEY** unto the said GRANTEE, its successors or assigns, a right and easement for (1) ingress, (2) egress, (3) placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining its equipment, lines, utilities, anodes, and appurtenances thereto, (4) storage of equipment and materials related to placing, locating, replacing, relocating, constructing, operating, inspecting, repairing and maintaining said equipment, anodes, lines, utilities and appurtenances thereto, and (5) any other use necessary for the operation of GRANTEE'S utilities and anodes, on, over, under and across the soil of a strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, LODEE ESTATES, AS RECORDED AT SLIDE 2094-B IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN S89°40'44"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ALONG THE NORTH LINE OF TAX PARCEL # 05-43-04-20-3-000-051.000, 163.49 FEET TO THE POINT OF BEGINNING; THENCE RUN N56°10'42"E, LEAVING SAID NORTH LINE, 56.05 FEET TO A POINT; THENCE RUN N89°02'43"E, 362.64 FEET TO A POINT; THENCE RUN S00°57'17"E, 15.00 FEET TO A POINT; THENCE RUN S89°02'43"W, 358.22 FEET TO A POINT; THENCE RUN S56°10'42"W, 74.17 FEET TO A POINT; THENCE RUN S00°19'16"W, 14.38 FEET TO A POINT; THENCE RUN N89°40'44"W, 22.00 FEET TO A POINT; THENCE RUN N00°19'16"E, 17.58 FEET TO A POINT; THENCE RUN N56°10'42"E, 38.96 FEET TO THE POINT OF BEGINNING, CONTAINING 7,026 SQ. FT.±

(hereinafter referred to as the "EASEMENT"). The EASEMENT is further described on the Sawgrass Consulting, LLC survey dated December 7, 2022 and attached hereto as Exhibit A.

TO HAVE AND TO HOLD the above described EASEMENT unto the said GRANTEE, its successors and assigns, forever.

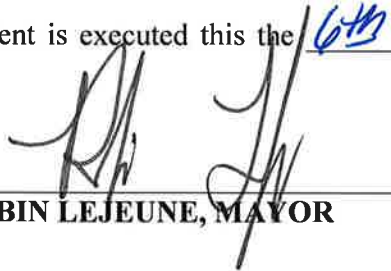
The said GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, its successors and assigns, that the GRANTOR is seized of an indefeasible estate in fee simple in said EASEMENT, and that the GRANTOR does hereby warrant and will forever defend the above described easement and rights unto the GRANTEE, its successors and assigns, against the lawful claims of all persons.

GRANTEE does hereby obtain all rights and privileges necessary or convenient, as determined in the sole discretion of GRANTEE, for the full enjoyment and use of said easement, including the right to place, locate, replace, relocate, construct, operate, inspect, repair and maintain

its lines, mains, manholes, utilities, and appurtenances, and any other use necessary for operation of its utility system and the right of necessary and reasonable ingress and egress by the agents, employees, and equipment of GRANTEE, its successors and assigns, over and across EASEMENT. GRANTOR, its successors and assigns further grant to GRANTEE reasonable ingress and egress over the real property subject to said EASEMENT as may be reasonably required to access such EASEMENT.

The GRANTOR, its successors and assigns, reserve the right to use and enjoy the surface of said easement subject to the following: GRANTOR, its successors and assign shall not excavate, construct or permit to be constructed on, over or under said Easement, any structure, plantings, fencing, utilities or other improvement without written approval from said GRANTEE, said approval to be given at GRANTEE'S sole discretion.

IN WITNESS WHEREOF, this instrument is executed this the 6th day of February, 2023.




ROBIN LEJEUNE, MAYOR

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robin LeJeune, as mayor of the City of Daphne, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, by and for the City of Daphne.

Given under my hand and official seal, this 6th day of February, 2023.


Notary Public
My Commission Expires: 4-13-2024

GRANTOR:
CITY OF DAPHNE
ATTN: MAYOR ROBIN LEJEUNE
1705 MAIN STREET
DAPHNE, AL 36526

GRANTEE:
THE UTILITIES BOARD OF THE CITY OF DAPHNE
ATTN: SCOTT POLK
900 DAPHNE AVENUE
DAPHNE, AL 36526

THIS INSTRUMENT WAS PREPARED BY:
Speegle, Hoffman, Holman & Holiifield, LLC
P.O. Box 11
Mobile, AL 36601

without the benefit of a title search, survey, or inspection, and who makes no representation regarding the status of title or condition of the property that would otherwise be discoverable by an inspection, a survey, a title search, or other inquiry, and who makes no representation regarding any other legal or other consequence that may result upon this conveyance.