

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-27**

**Ordinance to Pre-Zone Property Located North of the intersection of
County Road 64 and Montelucia Way
68V Baldwin Land Holdings, LLC**

WHEREAS 68V Baldwin Land Holdings, 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 unzoned by Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as R-6(G), Garden or Patio Home, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located intersection of County Road 64 and Montelucia Way, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 995.86 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 42 MINUTES 39 SECONDS EAST, A DISTANCE OF 663.41 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 316.88 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN NORTH 89 DEGREES 42 MINUTES 08 SECONDS WEST, A DISTANCE OF 1320.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on May 23, 2024, the Commission considered said request and voted to set forth a unanimously favorable recommendation to the City Council to pre-zone the property R-6(G) Garden or Patio Home; 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 July 15, 2024; 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 R-6(G), Garden or Patio Home, 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 Unzoned, Baldwin County District 15, Exterritorial 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.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5th day of August, 2024.



Robin LeJeune, Mayor

ATTEST:


Candace G. Antinarella, MMC, City Clerk

PROJECT: 11-13-0-000-000-000
 REVIEW: 11-13-0-000-000-000



VICINITY MAP
 1 INCH = 1 MILE

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 05-13-01-13-0-000-001-002
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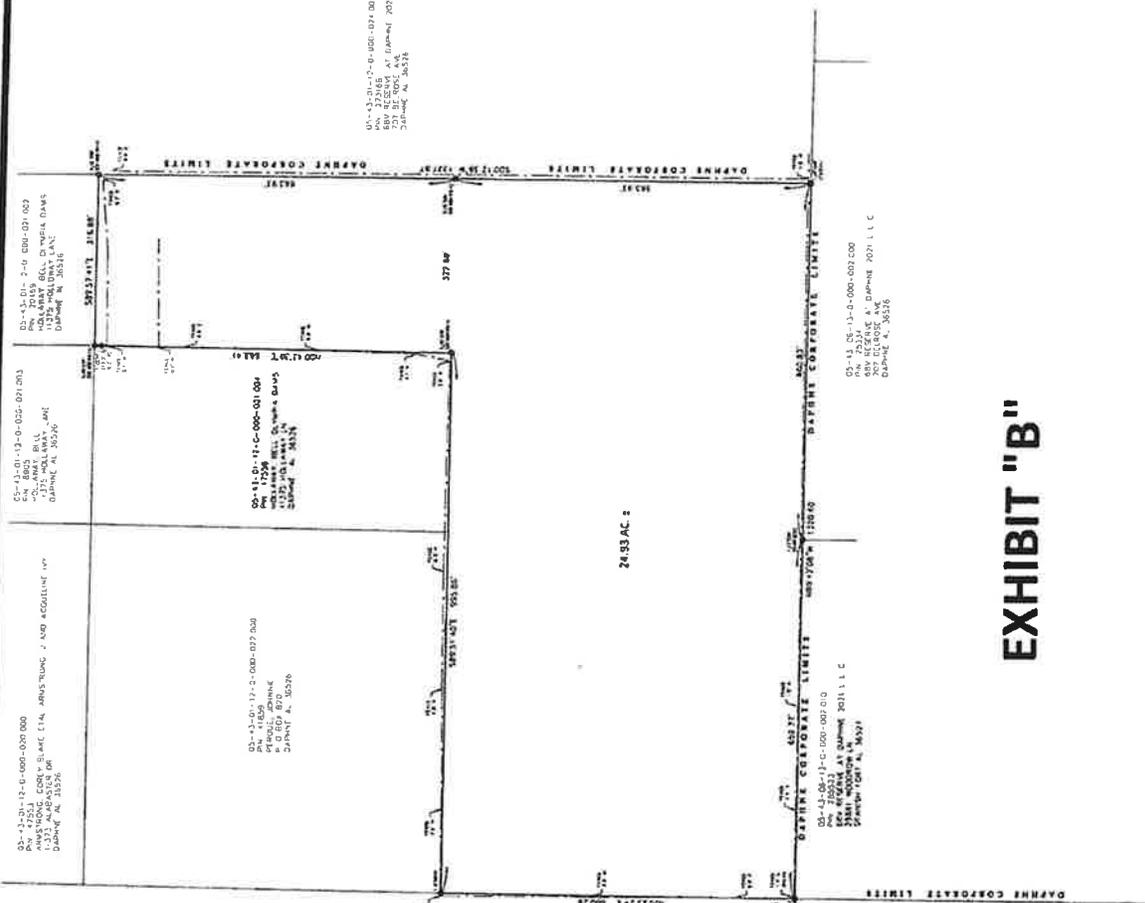


EXHIBIT "B"

SURVEYOR'S NOTES

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT, CHAPTER 54A, F.S., AND THE RULES OF PRACTICE FOR THE PROFESSION OF SURVEYING, CHAPTER 61G, F.S.
2. THE PROPERTY WAS LOCATED BY MEANS OF A RECENT SURVEY AND THE BOUNDARIES WERE ESTABLISHED BY MEANS OF A TRIPLE-TIE METHOD.
3. THE PROPERTY WAS LOCATED BY MEANS OF A TRIPLE-TIE METHOD AND THE BOUNDARIES WERE ESTABLISHED BY MEANS OF A TRIPLE-TIE METHOD.
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10. THE PROPERTY WAS LOCATED BY MEANS OF A TRIPLE-TIE METHOD AND THE BOUNDARIES WERE ESTABLISHED BY MEANS OF A TRIPLE-TIE METHOD.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client, and that the same has been prepared in accordance with the provisions of the Surveying Act, Chapter 54A, F.S., and the Rules of Practice for the Profession of Surveying, Chapter 61G, F.S.

DATED: 11-13-01
 AT: DAPHNE, ALABAMA



PROPERTY BOUNDARY SURVEY
 68 BALDWIN LAND HOLDINGS, LLC



DATE	NO.	DESCRIPTION
11-13-01	001	PROPERTY BOUNDARY SURVEY
11-13-01	002	PROPERTY BOUNDARY SURVEY
11-13-01	003	PROPERTY BOUNDARY SURVEY
11-13-01	004	PROPERTY BOUNDARY SURVEY
11-13-01	005	PROPERTY BOUNDARY SURVEY
11-13-01	006	PROPERTY BOUNDARY SURVEY
11-13-01	007	PROPERTY BOUNDARY SURVEY
11-13-01	008	PROPERTY BOUNDARY SURVEY
11-13-01	009	PROPERTY BOUNDARY SURVEY
11-13-01	010	PROPERTY BOUNDARY SURVEY

LEGEND

- PROPERTY LINE
- EASEMENT
- DAPHNE CORPORATE LIMITS
- POINT OF BEGINNING
- POINT OF COMMENCEMENT

