

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2025-11**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE'S LAND USE AND
DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE CITY COUNCIL ON
JULY 18, 2011, AS AMENDED**

**ARTICLES XI, XIII, XIV, XV, XVII, XVIII, XXX, AND XXXIX:
TECHNICAL REVISIONS**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and

WHEREAS, at the City of Daphne Planning Commission regular meeting on March 27, 2025, the Commission considered a proposed amendment to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, as previously amended, and set forth a unanimous favorable recommendation to the City Council of the City of Daphne to approve said proposed amendment to multiple sections of the Ordinance to provide technical revisions, primarily to designate the City Engineer as the appropriate officer to fill certain roles previously held by the Public Works Director and to correct minor grammatical and spelling errors; and

WHEREAS, due notice of said proposed amendment 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 May 19, 2025; and

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

SECTION I: AMENDMENT OF THE LAND USE AND DEVELOPMENT ORDINANCE, ARTICLE XXIV: VACATION OF EASEMENT AND/OR RIGHT-OF-WAY.

24-1 PROCEDURE FOR VACATION OF EASEMENT

The city council may, after examination and review thereon, consent to the vacation of public easements upon a request initiated by the Planning Commission, or any person, firm, or a corporation pursuant to the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the department of Community Development no fewer than thirty (30) days prior to the regularly scheduled meeting of the planning commission and must be accompanied by an adjacent property owners list, deed (proof of ownership), legal description of the easement proposed to be vacated, a current survey, and a map, showing the location of the subject easement and all abutting properties and nearest rights-of-way.

- (b) The applicant shall be responsible for obtaining an easement release, on a form provided by the city, from all utilities that have facilities located within 500 feet of the easement proposed to be vacated. Such form shall contain a request that the utility consent in writing to the vacation or submit written objection thereto. Such written responses shall be provided to the city at the time the application is submitted.
- (c) The application shall be reviewed by the Planning Commission at its next regular meeting and the Planning Commission shall set forth a recommendation to the City Council.
- (d) Prior to acting on an application to vacate an easement, a public hearing thereon shall be held by the City Council with proper notice as required by law. Due notice shall also be given to all abutting property owners of the date, time, and place of said hearing.

Said notice of a vacation of easement shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.
- (e) Said easement or right-of-way shall be vacated and/or relocated upon the consent by Resolution of the City Council, a certified copy of which shall be recorded in the Office of the Judge of Probate of Baldwin County following the adoption of such resolution.
- (f) Any petition for vacation of easement may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the applicant upon written notice to the planning coordinator in the department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

24-2 PROCEDURE FOR VACATION OF RIGHT-OF-WAY PETITION

The City Council may, after examination and review thereon, consent to the vacation of public rights-of-way, in whole or in part, upon a petition submitted by the owner or owners of land abutting any street, alley or dedicated public way, including unused rights-of-way, pursuant to the following procedures:

- (a) A written petition, as described in Alabama Code § 23-4-20, or a written declaration, as described in Alabama Code § 35-2-54, as applicable shall be submitted to the Department of Community Development no fewer than thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, deed (proof of ownership), legal description of the right-of-way or portion thereof proposed to be vacated, a current survey, and a map showing the location of the subject right-of-way and all abutting properties.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting and the Planning Commission shall set forth a recommendation to the City Council.

- (c) Prior to acting on an application to vacate an easement, a public hearing thereon shall be held by the City Council with proper notice shall also be served by U.S. mail at least 30 days prior to the scheduled public hearing on any abutting owners and on any entity known to have facilities or equipment such as utility lines, both above ground or buried, within the public right-of-way of the street or alley or portion thereof, to be vacated.

In accordance with Ala. Act 1973-386, notice of the public hearing shall also be published in a newspaper published in the city for three (3) consecutive weeks. Such notice must contain both a legal description and a layman's general description of the street, alley, highway or portion thereof to be vacated.

- (d) Said right-of-way shall be vacated upon consent by resolution of the City Council, a certified copy of which shall be recorded in the Office of the Judge of Probate of Baldwin county following the adoption of such resolution. If the request for vacation was submitted by written declaration as described in Alabama Code § 35-2-54, a certified copy of said resolution shall be recorded by the declarant(s) as an attachment to the declaration of vacation.
- (e) Notice of the City Council's action shall be published once in a newspaper in the county no later than fourteen (14) days after the resolution's adoption.

24-3 FEES

An application to the Planning Commission for vacation of easement and/or right-of-way shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.

SECTION II: CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of the City of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby repealed to the extent of such conflict.

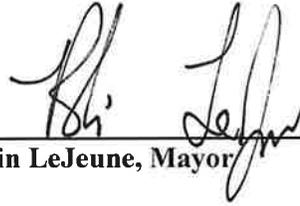
SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
DAPHNE, ALABAMA, THIS 16th DAY OF June, 2025.**



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, MMC, City Clerk