

**ORDINANCE NO. 2010 - 39**

**Ordinance to Rezone Property Located East of U.S. 98 Hwy. and North of Dale Road  
(15 Acres)  
Dale Family**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2 Medium Density, Single Family District, to a B-2 General Business District, to said property is located East of U.S. 98 Hwy., North of Dale Road, being more particularly described as follows:

**Legal Description:**

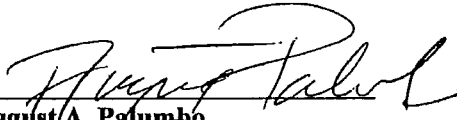
That portion of the hereafter described property presently within the municipal boundaries of the City of Daphne, which is substantially identified as tax parcel 05-43-09-2-000-050.000, consisting of approximately the north 2/3 (15 acres ±) of the following described property: Commencing at the Northwest corner of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama; thence run South, 2153.48 feet to a point; thence run East, 1367.70 feet to a point on the East right-of-way of U.S. Highway Number 98 and the Point of Beginning; thence run S-89 46'47"-E, leaving said East right-of-way of U.S. Highway Number 98, 1138.44 feet to a point; thence run S-00 19'15"-E, 210.00 feet to a point; thence run S-00 21'05"-W, 208.77 feet to a point; thence run S-89 24'17"-W, 61.91 feet to a point; thence run S-03 05'08"-E, 159.87 feet to a point; thence run N-89 42'29"-E, 271.63 feet to a point on the West right-of-way of Dale Road; thence run S-00 50'47"-E along said West right-of-way of Dale Road, 97.59 feet to a point on the North right-of-way of Dale Road; thence run S-33 34'09"-W along said North right-of-way of Dale Road, 44.06 feet to a point; thence run S-78 34'09"-W along said North right-of-way of Dale Road, 487.00 feet to a point; thence run N-01 25'51 "-W, leaving said North right-of-way of Dale Road, 300.28 feet to a point; thence run S-86 58'25"-W, 146.90 feet to a point; thence run S-01 25'51"-E, 300.28 feet to a point on said North right-of-way of Dale Road; thence run S-89 27'14"-W along said North right-of-way of Dale Road, 110.77 feet to a point; thence run S-64 08'24"-W along said North right-of-way of Dale Road, 601.02 feet to a point of intersection of said North right-of-way of Dale Road and said East right-of-way of U.S. Highway Number 98; thence run N-44 15'36"-W along the said East right-of-way of U.S. Highway Number 98, 69.28 feet to a point; thence run Northwesterly along said East right-of-way of U.S. Highway Number 98 and a non-tangent curve to the right having a radius of 8484.37 feet, a delta angle of 05 17'02", a chord of which bears N-01 56'47"-W, 782.18 feet, an arc distance of 782.46 feet to a point; thence run S-89 18'16"-E along said East right-of-way of U.S. Highway Number 98, 10.00 feet to a point; thence run Northeasterly along said East right-of-way of U.S. Highway Number 98 and a non-tangent curve to the right having a radius of 8474.37 feet, a delta angle of 01 42'30", a chord of which bears N-01 33'00"-E, 252.68 feet, an arc distance of 252.69 feet to the Point of Beginning; containing 22.64 acres, more or less.

**WHEREAS**, the Planning Commission of the City of Daphne on May 27, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

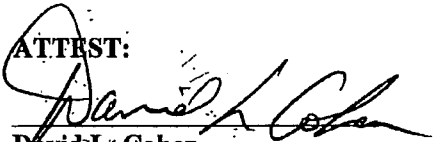
**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, July 19, 2010 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-2 Medium Density, Single Family District, to a B-2 General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,  
THIS 2<sup>nd</sup> day of August, 2010.

  
August A. Palumbo,  
Council President

  
Fred Small,  
Mayor

ATTEST:  
  
David L. Cohen  
City Clerk, MMC

BALDWIN COUNTY, ALABAMA  
TIM RUSSELL PROBATE JUDGE  
Filed/cert. 8/ 6/2010 10:29 AM  
TOTAL \$ 25.00  
5 Pages

1245175



EXHIBIT A

TO

APPLICATION FOR ZONING AMENDMENT

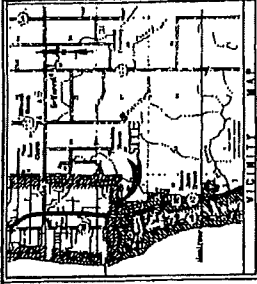
(Dale Family)

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feet to a point; thence run Northeasterly along said East right-of-way of U.S. Highway Number 98 and a non-tangent curve to the right having a radius of 8474.37 feet, a delta angle of 01 42'30", a chord of which bears N-01 33'00"-E, 252.68 feet, an arc distance of 252.69 feet to the Point of Beginning; containing 22.64 acres, more or less.

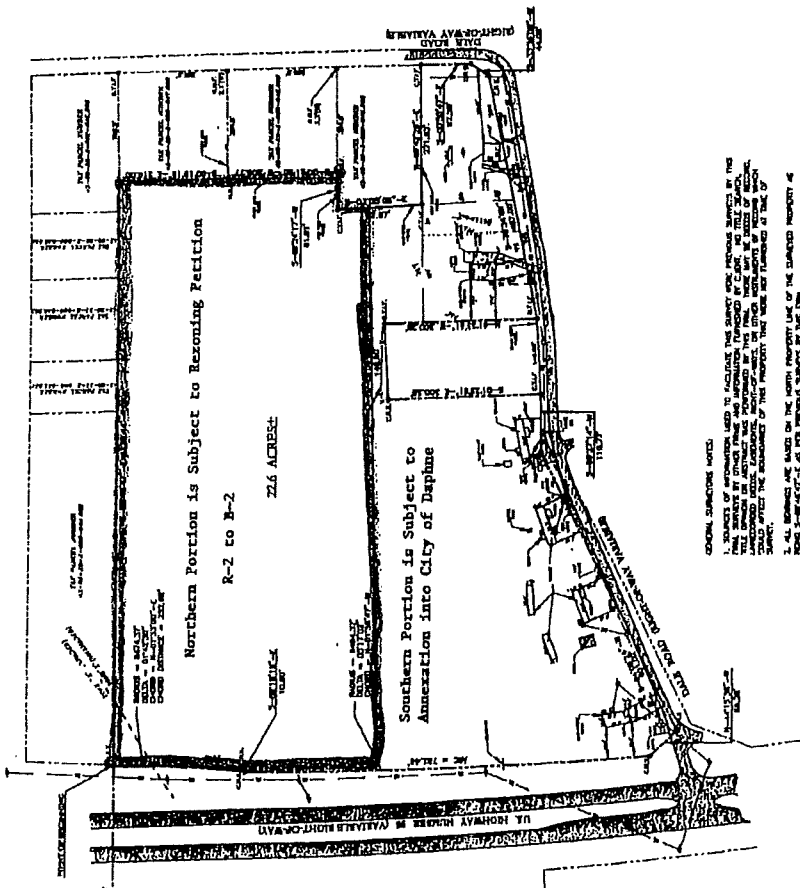
00015212.WPDVer2

exhibit



Petition for Zoning Amendment is less and except that which is subject to Annexation into the City Limits.

Notes added by City Staff (AJ) for Clarification only. 5/13/10



Northern Portion is Subject to Rezoning Petition R-2 to B-2

22.6 ACRES

Southern Portion is Subject to Annexation into City of Daphne

GENERAL SURVEY NOTES: 1. SUBJECTS OF APPROVAL... 2. ALL DIMENSIONS ARE BASED ON THE NORTH PROPERTY LINE... 3. ALL DIMENSIONS ARE BASED ON THE NORTH PROPERTY LINE... 4. FIELD WORK FOR THIS SURVEY WAS PERFORMED JANUARY 11, 2008.

DESCRIPTION OF SUBJECT: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BEING A PORTION OF THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BEING A PORTION OF THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BEING A PORTION OF THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 5 SOUTH, RANGE 2 EAST...

Surveyed by: [Signature]

Professional information block including: HUTCHINSON, MOORE & RAUCH, LLC; ENGINEERS, SURVEYORS, LAND PLANNERS; 2108 MAIN STREET, DAPHNE, ALABAMA 36528; and a table with columns for 'NO.', 'DATE', and 'BY'.

Velma P Jackson  
Zoning amendment  
US Highway as Dale Road  
Exhibit "B"