

2065692

STATE OF ALABAMA
COUNTY OF BALDWIN

ORDINANCE 1026

AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-23004, Pre-Zoning of the Pierce & English Property Proposed for Annexation,
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, the City of Bay Minette (the "City"), pursuant to Section 104(18) of the Alabama Constitution 1901, has resolved to request the Legislature of Alabama for Legislative Annexation of the properties located on the southeast corner of the I-65 Exit 31 interchange at State Road 225 containing approximately 58 acres by Resolution 1122-11 on November 21, 2022; and

WHEREAS, said annexation, known as SB3, was Introduced January 26, 2023 and passed the Senate House on March 19, 2023; and

WHEREAS, the City Council recognizes specific authority in Section 11-52-85 of the *Code of Alabama (1975)* to pre-zone territory proposed for annexation; and

WHEREAS, the City of Bay Minette wishes to pre-zone certain property proposed for annexation, herein identified as the property located at the southeast corner of the I-65 Exit 31 interchange at State Road 225, containing approximately 58 acres, identified herein and described as follows:

Beginning at the Southeast corner of regular Section 22, Township 1 South, Range 2 East, run thence South 89 degrees 26 minutes, 40 seconds West 297.00 Feet; thence run North 09 degrees, 18 minutes, 16 seconds West, 1457.27 Feet, more or less, to a point in the center of Griffin Creek for the point of beginning; thence continue North 09 Degrees, 18 minutes, 16 seconds West 394.00 feet, more or less to a concrete monument; thence run South 80 degrees 34 minutes 10 seconds West, 1545.64 feet to the East right of way of Alabama State Highway No. 225; thence run North 19 degrees 33 minutes, 08 seconds East along said East right of way 748.8 feet; thence run along the South right of way of Interstate Highway No. 65 as follows: North 62 degrees 09 minutes 08 seconds East 272.27 feet; north 23 degrees 47 minutes 38 seconds East 130.38 feet; North 47 degrees 57 minutes 24 seconds East 230.00 Feet; North 72 degrees 42 minutes 20 seconds East, 150.00 feet; North 62 degrees 44 minutes 57 seconds East 305.08 feet; North 43 degrees 39 minutes 48 seconds East, 441.60 feet; Thence along the arc of a curve to the right having a radius of 1984.35 feet, a distance of 789.63 feet; thence run South 00 degrees 33 minutes 20 seconds East along the East line of said Section 22, 1952 feet, more or less, to a point in the center of Griffin Creek; thence run Southwestwardly along the meanders of the center of said Creek, 650.00 feet, more or less, to the point of beginning.

Otherwise known as tax parcel numbers **05-19-07-43-0-000-015.000** and **05-19-08-47-0-001-012.001**, as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said properties further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and

WHEREAS, the City of Bay Minette wishes that property herein identified be pre-zoned to B-2 General Business District; and

WHEREAS, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on April 13, 2023, and voted to recommend to the City Council approval of the pre-zoning request to B-2 General Business District; and

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama (1975)*, upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on May 1, 2023; and

WHEREAS, the City Council of Bay Minette 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 in Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I: ZONING.

That above-described real property is hereby pre-zoned to B-2, General Business. 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 Bay Minette, 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 initiated was M-1, Light Industrial, Baldwin County District 4.

SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which conflicts with this Ordinance 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 be in full force and effect upon its adoption by the City Council of the City of Bay Minette 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, or the date the zoning process is completed, whichever is later. 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.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, in the interest of public health, safety and welfare of the general public, determined that **Ordinance 1026**, Case Z-23004, Pre-Zoning of the Pierce and English Property Proposed for Annexation, is hereby **ADOPTED AND IMPLEMENTED**.

Done this the 15th day of May, 2023.



Robert A. Wills, Mayor
City of Bay Minette, Alabama

ATTEST:



Rita Diedrich, City Clerk

I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 15th day of May, 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

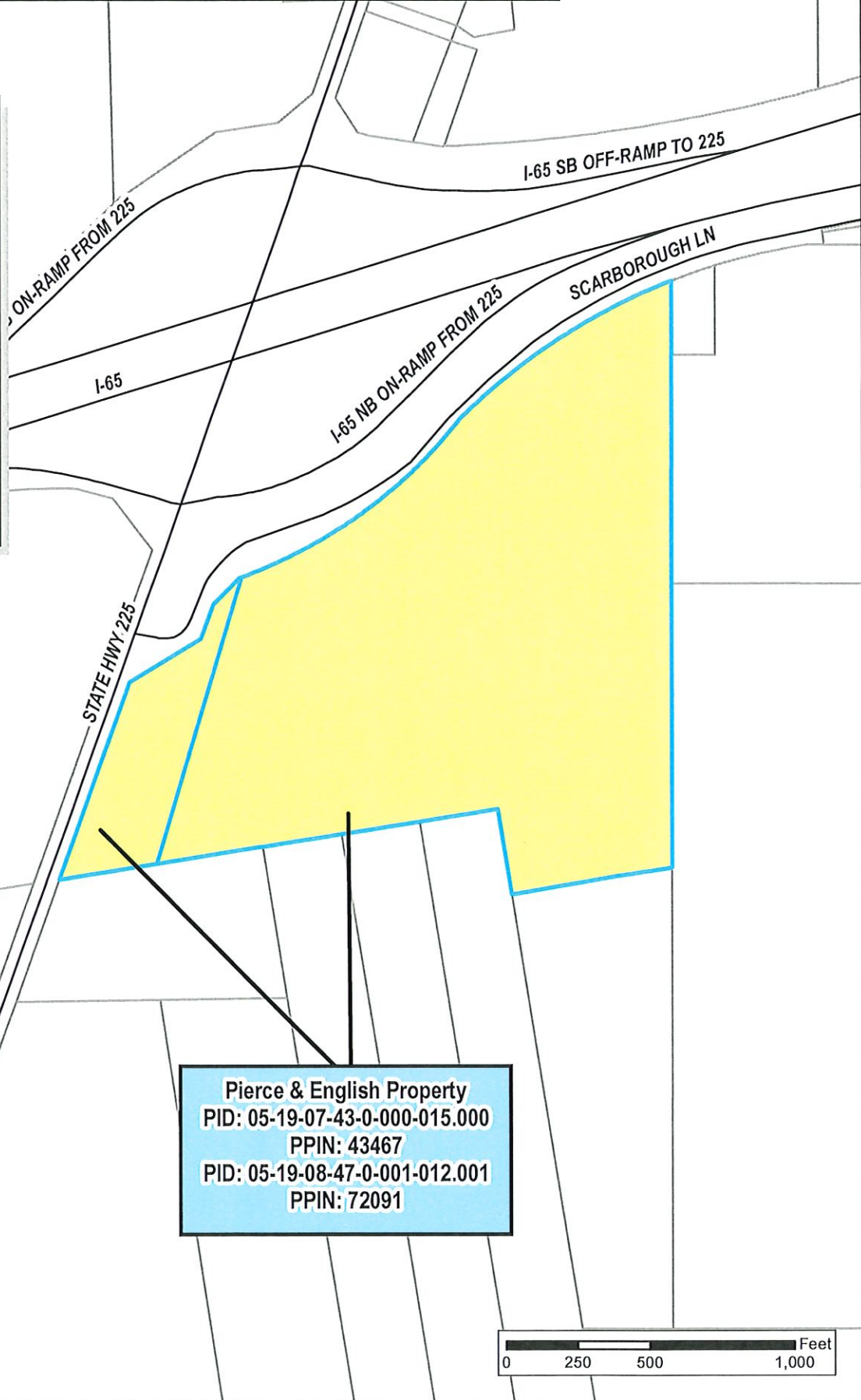
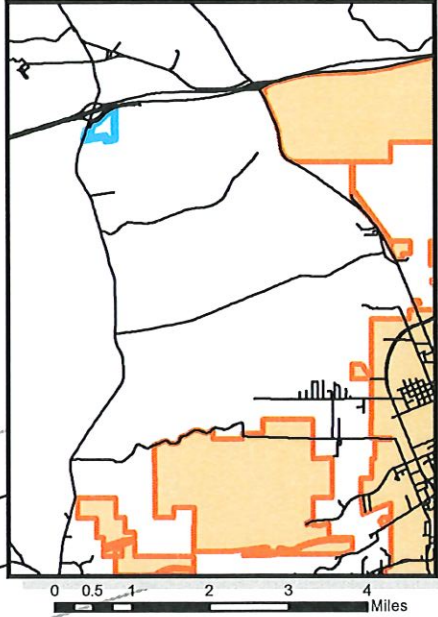
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 15th day of May, 2023.



Rita Diedrich
City Clerk

-  Pierce & English Property
-  Centerlines
-  BC Revenue Parcels
-  Bay Minette

Ordinance 1026 Exhibit A Map
Z-23004, Pierce & English Property
Pre-Zoning of Proposed Legislative Annexation
Property to B-2, General Business District



Pierce & English Property
PID: 05-19-07-43-0-000-015.000
PPIN: 43467
PID: 05-19-08-47-0-001-012.001
PPIN: 72091

