

STATE OF ALABAMA
COUNTY OF BALDWIN

ORDINANCE 1040

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 11/21/2023 10:03 AM
TOTAL \$ 22.00
4 Pages

2096521



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING
Case No. Z-23006, Rezoning of the Graham Property,
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

WHEREAS, Barbara A. Graham has petitioned the City of Bay Minette to rezone certain property located within the municipal limits along North U.S. Hwy 31, said property containing approximately 0.35 acres, identified herein and described as follows:

Begin at a point where the South right of way line of United States Highway No. 31 intersects the East line of Lot 2 in Block 3 in a subdivision of the Southeast Quarter of the Northeast Quarter Section 10, Township 2 South, Range 3 East according to the official map or plat of the said subdivision which is recorded in Map Book 1, at page 122, Baldwin County, Alabama Records; and run thence Southwardly along the East line of said lot to the said Southeast corner thereof, thence Westwardly along the South line of the said lot to the point where it intersects Lot 43 in Block 3 of the said subdivision, thence Northwardly along the East line on the said Lot 43 to the Northeast corner thereof, thence Westwardly along the South line of Lot 3 in Block 3 of the said subdivision, 43 feet to a point; thence Northwardly and parallel with the East line of the said Lot 3 to a point on the South right of way of United States Highway No. 31, thence Eastwardly along the South right of way line of the said highway to the point or place of beginning, being otherwise described as all of Lot 2 and all of the East 43 feet of Lot 3 in Block 3 in the said subdivision which lies South of the South right of way line of United States Highway 31.

LEGAL DESCRIPTION derived from description provided by applicant (copied from QC Deed RP867 Pg 1220), deeds, Revenue Map and AS400 information.

BEGINNING AT A POINT where the South Right-of-Way Line of US Highway No. 31 intersects the East Line of Lot 2 in Block 3 of the E.G. Miller Subdivision located in the Southeast Quarter of the Northeast Quarter of Section 10, Township 2 South, Range 3 East according to the official map or plat of said subdivision recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, Page 122; and run thence Southwardly along the East line of Lot 2 to the Southeast corner thereof, thence Westwardly along the South line of Lot 2 to the point where it intersects Lot 43 in Block 3 of the E.G. Miller Subdivision at the Northeast corner of Lot 43, thence Westwardly along the South line of Lot 2 to the Southwest corner thereof, thence continue Westwardly along the South line of Lot 3 in Block 3 of the E.G. Miller Subdivision, 43 feet to a point; thence Northwardly and parallel with the East line of the said Lot 3 to a point on the South Right-of-Way Line of US Highway No. 31, thence Eastwardly along the South Right-of-Way Line of US Highway No. 31 to the POINT OF BEGINNING, being otherwise described as all of Lot 2 and all of the East 43 feet of Lot 3 in Block 3 of the E.G. Miller Subdivision. Said parcel located in the City of Bay Minette, Section 10, Township 2 South, Range 3 East, Baldwin County, Alabama and containing .35 acres.

Otherwise known as tax parcel number 05-23-02-10-1-000-038.001 (PIN# 24297) as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said property 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 petitioner has requested that property herein identified be rezoned from M-2, General Industrial District 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 October 12, 2023, and voted to recommend to the City Council approval of the rezoning request from M-2, General Industrial District to B-2, General Business District; and

WHEREAS, due notice of said proposed rezoning 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 November 6, 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 rezoning 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 rezoned from M-2, General Industrial District to B-2, General Business District. Upon adoption and publication as required by law, the properties shall be assigned the zoning district in accordance with the rezoning; and the zoning ordinance and zoning map shall be amended to reflect said zoning.

SECTION II: REPEALER.

Any ordinance or resolution heretofore adopted by the Council which is in conflict 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.

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 1040, Case Z-23006, Rezoning of the Graham Property, is hereby **ADOPTED AND IMPLEMENTED**.

Done this the 20th day of November, 2023.



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

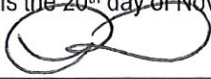
ATTEST:



Rita Diedtrich, 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 20th day of November, 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 20th day of November, 2023.



Rita Diedrich
City Clerk



Ordinance 1040 - Exhibit "A" Map
 Z-23006, Graham Property
 Rezoning Request from M-2, General Industrial District to
 B-2, General Business District

- Sublot Properties
- Road Centerlines
- 80 Reversion Parcels
- R4 Rural Residential and Agricultural Zone District
- R4 Rural Residential Single-Family Residential District
- R4 Low Density Single-Family Residential District
- R2 Medium Density Single-Family Residential District
- R3 Higher Density Single-Family Residential District
- R4 High Density Multi-Family Residential District
- R3 Manufactured/Mobile Home Residential District
- S1 Local Business District
- S2 General Business District
- S2 General Business District/Residential District
- M1 Light Industrial District
- M2 General Industrial District
- PUD Planned Unit Development
- Bay County Boundary

Z-23006 Site
 PID: 05-23-02-10-1-000-038.001
 PIN: 24297

