

ORDINANCE NO. 1772

**AN ORDINANCE AMENDING ORDINANCE NO. 1253
KNOWN AS THE ZONING ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE, ALABAMA as follows:

The ordinance known as the Zoning Ordinance (No. 1253), adopted 27 June 2005, together with the Zoning Map of the City of Fairhope, be and the same hereby is changed and altered in respect to that certain property described below:

After the appropriate public notice and hearing, the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of FST and Encounter Development LLC, is generally located at the northeast corner of State Highway 181 and State Highway 104.

PPIN # 77558

Legal Description: (Case number ZC 23.01)

Commence at the Northeast corner of the SW 1/4 of the SW1/4 of Section 2, Township 6 South, Range 2 East, Saint Stephens Meridian for a POINT OF BEGINNING; thence run W, along the North line of the SW 1/4 of the SW 1/4 of said Section 2 for 1,198 feet, more or less, to a point on the East Right of Way of Alabama Highway 181; thence run S 00°17'55" West for 621.75 feet; thence continuing along said Right of Way, run S 44°42'28" E for 42.43 feet; thence continuing along said Right of Way, run S 00°17'32" W for 23.71 feet to a point on the North line of a parcel leased to Colony Fence Company; thence run N 89°52' E, along Colony Fence parcel, for 149.02 feet, more or less; thence run S 02°04' E, continuing along Colony Fence parcel, for 181.09 feet; thence continuing along Colony Fence parcel run S 89°52' W for 185.91 feet, more or less, to a point on the East right of way of said Alabama Highway 181; thence run along said right of way S 00°17'32" W, for 380.07 feet; thence continuing along said right of way run S 43°51'20" E for 71.63 feet to a point on the N right of way of Alabama Highway No. 104; thence run E, along the N right of way of Alabama Highway 104, for 1,173 feet, more or less; thence run N along the E line of the SW1/4 of the SW1/4 of said Section 2 for 1,292 feet, more or less to the P.O.B. Tract lies in Section 2, T6S, R2E, Baldwin County, Alabama, lands of the Fairhope Single Tax Corporation.

A map of the property to be rezoned is attached as Exhibit A.

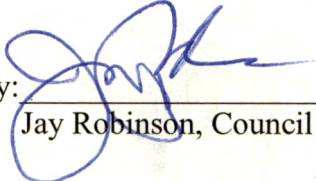
The property is hereby initially zoned B-2, General Business District, concurrent with annexation into the City of Fairhope. This property shall hereafter be lawful to construct on such property any structures permitted by Ordinance No. 1253 and to use said premises for any use permitted or building sought to be erected on said property shall be in compliance with the building laws of the City of Fairhope and that any structure shall be approved by the Building Official of the City of Fairhope and that any structure be erected only in compliance with such laws, including the requirements of Ordinance No. 1253.

Ordinance No. 1772
Page -2-

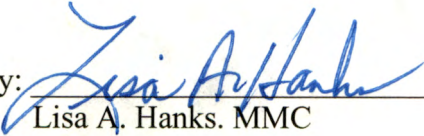
Severability Clause - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Effective Date – This ordinance shall take effect immediately upon its due adoption and publication as required by law.

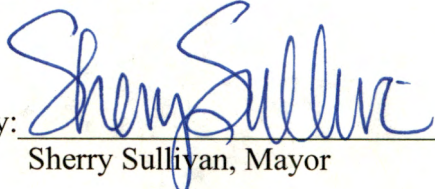
Adopted and approved this 22nd day of March, 2023


By: 
Jay Robinson, Council President

Attest:

By: 
Lisa A. Hanks, MMC
City Clerk

Adopted and approved this 22nd day of March, 2023

By: 
Sherry Sullivan, Mayor

Ord. No. 1772 Published in
FAIRHOPE COURIER
on Wednesday April 5, 2023
 City Clerk



CITY OF FAIRHOPE
P.O. DRAWER 429
FAIRHOPE, AL 36533
251/928-2136

PETITION FOR ANNEXATION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

We, the undersigned PETITIONER(S), owner(s) of the lands in fee simple described in the attached EXHIBIT A, such property being without the Corporate Limits of the City of Fairhope, Alabama, but being contiguous to the said Corporate Limits; and such property not lying within the corporate limits or police jurisdiction of any other municipality, do, by these presents, hereby petition the City of Fairhope, a municipal corporation, that said property be annexed into the City of Fairhope, Alabama.

The subject land is delineated on the map attached hereto as EXHIBIT B.

This petition is filed under authority of Section 11-42-21, Code of Alabama, 1975, as amended.

This petition is for R-1 Zoning

**The condition of the Petition is that zoning be established as B-2
Concurrent with Annexation. (Zoning Request)**

Is this property colony property Yes No. If this property is colony property the Fairhope Single Tax Office must sign as a petitioner.

Signature of Petitioner

Kenneth Kleban
Print petitioner's name

Signature of Petitioner

Reuben Davidson, III → FSTC Secretary
Print petitioner's name

Signature of Petitioner

Print petitioner's name

Physical Address of property being annexed: State Highway 181 # 22100

Petitioner's Current Physical Address:
1189 Post Road
Fairfield, CT 06824

Petitioner's Current Mailing Address:
1189 Post Road
Fairfield, CT 06824

Telephone Number(s): (203) 247-0732
Home Work

County Tax Parcel Number: 05-46-01-02-0-000-001.509 PIN: 77558

U.S JUSTICE DEPARTMENT INFORMATION

Size of property (acres or square feet) approx 1.1 acres

If property is occupied, give number of housing units N/A

Number of Persons residing in each unit, and their race N/A

If property is unoccupied, give proposed use Retail

If property is being developed as a subdivision, give subdivision name
N/A

Number of lots within proposed subdivision _____

I, Sasha Hemingway a Notary Public in and for said State and County, hereby certify that Kenneth Kilban whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 13 day of October, 2022,

(Seal)



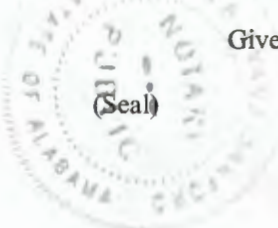
SASHA L. HEMINGWAY
Notary Public, State of Connecticut
My Commission Expires: 5/31/2026

[Signature]
Notary Public
My commission expires 5/31/2026

I, Jennifer Evans Sanford a Notary Public in and for said State and County, hereby certify that Ruben Davidson, III whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this 2nd day of November, 2022

(Seal)



[Signature]
Notary Public
My commission expires _____

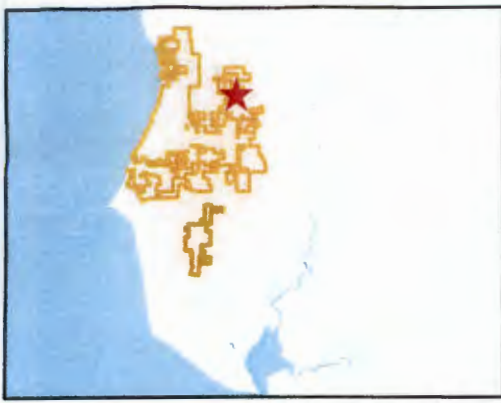


I, _____ a Notary Public in and for said State and County, hereby certify that _____ whose name(s) is/are signed to the forgoing Petition and who is/are known to me, this day appeared before me and, being first duly sworn, acknowledge that he/she/they have voluntarily executed this Petition on this day same bears date.

Given under my Hand and Seal this _____ day of _____, 20____,

(Seal)

Notary Public
My commission expires _____



**Exhibit A: The Property of FST and
Encounter Development LLC
Conditional Annexation to B-2
(ZC 23.01)**

