

**ORDINANCE NO. 1762**

**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 of the Planning Commission of the City of Fairhope, Alabama has forwarded a **favorable** recommendation,

The property of The Grand Reserve at Pelham, LLC, generally located on the west side of US Highway 98, just south of Pale Moon Court.

**PPIN # 39376, 210314**

**Legal Description:** (Case number ZC 22.11)

**Parcel A:**

BEGINNING AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF RW BATTLES LLC REPLAT, AS RECORDED ON SLIDE 2776 B-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-16'-58" WEST ALONG THE NORTH LINE OF SAID RW BATTLES LLC REPLAT A DISTANCE OF 295.79 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 89°-28'-38" WEST ALONG SAID NORTH LINE A DISTANCE OF 241.89 FEET TO A 1-1/4" OPEN TOP PIPE; THENCE RUN SOUTH 89°-39'-31" WEST ALONG SAID NORTH LINE A DISTANCE OF 106.51 FEET TO A CAPPED REBAR (MOORE); THENCE RUN NORTH 00°-26'-47" WEST A DISTANCE OF 325.86 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 89°-34'-40" WEST A DISTANCE OF 224.84 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 00°-25'-38" EAST A DISTANCE OF 325.57 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 89°-34'-04" WEST A DISTANCE OF 295.63 FEET TO A 1" IRON PIPE AT THE SOUTHEAST CORNER OF COMMON AREA 3, OLD BATTLES VILLAGE, PHASE THREE, AS RECORDED ON SLIDE 2632 A-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°-14'-51" EAST ALONG THE EAST LINE OF SAID COMMON AREA 3 AND A PROJECTION THEREOF A DISTANCE OF 498.20 FEET TO A CAPPED REBAR (WATTIER); THENCE RUN NORTH 89°-47'-03" EAST A DISTANCE OF 1,167.17 FEET TO A CAPPED REBAR (HMR) AT THE SOUTHEAST CORNER OF LOT 1, JEFFREY SMITH SUBDIVISION, AS RECORDED ON SLIDE 2356-F OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF GREENO ROAD (U.S. HIGHWAY 98, 245' R/W); THENCE RUN SOUTH 00°-31'-40" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 499.87 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 11.62 ACRES, MORE OR LESS.

**Parcel B:**

COMMENCING AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF RW BATTLES LLC REPLAT, AS RECORDED ON SLIDE 2776 B-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°-16'-58" WEST ALONG THE NORTH LINE OF SAID RW BATTLES LLC REPLAT A DISTANCE OF 295.79 FEET TO A CAPPED REBAR (ILLEGIBLE); THENCE RUN SOUTH 89°-28'-38" WEST ALONG SAID NORTH LINE A DISTANCE OF 241.89 FEET TO A 1-1/4" OPEN TOP PIPE; THENCE RUN SOUTH 89°-39'-31" WEST ALONG SAID NORTH LINE A DISTANCE OF 106.51 FEET TO A CAPPED REBAR (MOORE) AT THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE SOUTH 89°-39'-31" WEST ALONG SAID NORTH LINE A DISTANCE OF 208.73 FEET TO A CAPPED REBAR (MOORE) AT THE NORTHWEST CORNER OF SAID RW BATTLES LLC REPLAT; THENCE RUN SOUTH 89°-34'-04" WEST A DISTANCE OF 16.21 FEET TO A CAPPED REBAR (MOORE); THENCE RUN NORTH 00°-25'-38" WEST A DISTANCE OF 325.57 FEET TO A CAPPED REBAR (MOORE); THENCE RUN NORTH 89°-34'-40" EAST A DISTANCE OF 224.84 FEET TO A CAPPED REBAR (MOORE); THENCE RUN SOUTH 00°-26'-47" EAST A DISTANCE OF 325.86 FEET TO THE POINT OF BEGINNING. THE DESCRIBED PARCEL CONTAINS 1.68 ACRES, MORE OR LESS.

Ordinance No. 1762

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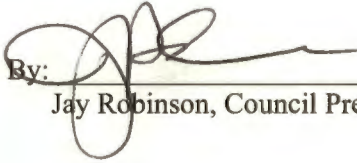
A map of the property to be rezoned is attached as Exhibit A.

**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.

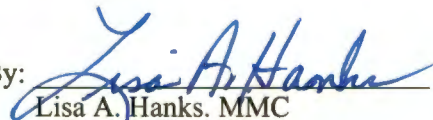
**Severability Clause** - if any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

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

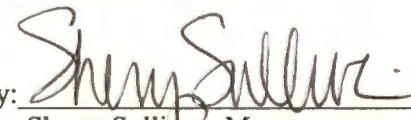
Adopted and approved this 14th day of November, 2022

By:   
Jay Robinson, Council President

Attest:

By:   
Lisa A. Hanks, MMC  
City Clerk

Adopted and approved this 14th day of November, 2022

By:   
Sherry Sullivan, Mayor



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.

Justin Trimback  
Signature of Petitioner

Justin Trimback, Manager/Member  
Print petitioner's name

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print petitioner's name

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print petitioner's name

Physical Address of property being annexed: 18323 GREENO RD & 18323 GREENO RD S (A)

Petitioner's Current Physical Address:  
THE GRAND RESERVE AT PELHAM, LLC  
3517 RETAIL DR, PHENIX CITY AL 36869

Petitioner's Current Mailing Address:  
\_\_\_\_\_  
\_\_\_\_\_

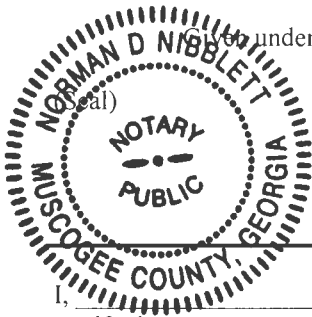
Telephone Number(s): 334-480-4001  
Home Work

County Tax Parcel Number: 05-46-09-29-0-000-068.000 & 05-46-09-29-0-000-068.001

**U.S JUSTICE DEPARTMENT INFORMATION**

- ☐ Size of property (acres or square feet) 13.30
- ☐ If property is occupied, give number of housing units 0
- ☐ Number of Persons residing in each unit, and their race 0
- ☐ If property is unoccupied, give proposed use Any use allowed by B-2 zoning
- ☐ If property is being developed as a subdivision, give subdivision name  
NA
- ☐ Number of lots within proposed subdivision NA

I, Norman D. Niblett a Notary Public in and for said State and County, hereby certify that Juston Trimback, Manager 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 16<sup>th</sup> day of August, 20 22,

[Signature]  
Notary Public

My commission expires 10-22-22

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 \_\_\_\_\_

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 The Grand Reserve at Pelham LLC.  
Conditional Annexation to B-2  
(ZC 22.11)

