

**ORDINANCE NO. 2023 - 26**

**AMENDING THE CURRENT ZONING ORDINANCE AND ZONING MAP OF THE CITY OF CULLMAN, ALABAMA, TO RE-ZONE CERTAIN PARCELS OF PROPERTY AS SET FORTH HEREIN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS FOLLOWS:

SECTION 1. Under the authority of Chapter 52, Articles 1 through 4, Section 11-52-1 through Section 11-52-84, Code of Alabama 1975, as amended, and specifically Sections 11-52-77 and at the request of property owner, the petitioner, the following describe the tract or parcel of land, to-wit:

Property Owner: James W Nearen, Jr. & Judith Carole Nearen Ross Children's Irrevocable Trust  
PPIN: 16078. Parcel No.: 17-04-17-1-001-002.000.  
Property Address: Hwy 278 West.

Legal Description: A parcel of land lying in the east half of the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, Township 10 South, Range 3 West, Cullman County, Alabama, and being more particularly described as follows:  
Begin at a found concrete right-of-way monument lying at the intersection of the northerly right-of-way of Highway 278 (A.K.A. Alabama Highway 74)(A.K.A. 4<sup>th</sup> Street)(variable right-of-way) and the westerly right-of-way Donauer Drive (variable right-of-way); thence leaving said intersection run North 88 degrees 13 minutes 08 seconds West along said northerly right-of-way of Highway 278 (A.K.A. Alabama highway 74)(A.K.A. 4<sup>th</sup> Street) for a distance of 638.04 feet to a found rebar with cap; thence leaving said northerly right-of-way run North 00 degrees 23 minutes 09 seconds East for a distance of 1,198.88 feet to a found 1/2" open top pipe; thence run South 88 degrees 39 minutes 20 seconds East for a distance of 664.55 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 00 degrees 55 minutes 32 seconds West for a distance of 104.48 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 76 degrees 40 minutes 19 seconds West for a distance of 119.29 feet to a found rebar with cap lying on the aforementioned westerly right-of-way of Donauer Drive; thence run South 14 degrees 29 minutes 28 seconds East along said right-of-way for a distance of 289.04 feet to a set 5/8" capped rebar (L.S.C.A. 1186), said point lying on a curve to the right, said curve having a radius of 580.30 feet, a central angle of 15 degrees 10 minutes 51 seconds, a chord bearing of South 06 degrees 54 minutes 02 seconds East, and a chord length of 153.30 feet; thence run along the arc of said curve and said right-of-way for a distance of 153.75 feet to a set 5/8" capped rebar (L.S.C.A. 1186); thence run South 00 degrees 41 minutes 22 seconds West along said right-of-way for a distance of 639.14 feet to the Point of Beginning.  
Said parcel contains 753,867 square feet, or 17.306 acres.

within the city limits of Cullman, Alabama, and lying and being in Cullman County, State of Alabama, designated as E-1 Entertainment District on the Zoning Map of the City of Cullman, Alabama, under Ordinances No. 2004-03 and as may be reflected in any comprehensive master plan for the City of Cullman, Alabama, be, and is hereby changed from E-1 Entertainment District to B-3 Business District.

SECTION 2. That this ordinance be published at least once a week for two consecutive weeks in advance of its final passage in a newspaper with general circulation within the City of Cullman, Alabama, the first publication of said notice and ordinance being verbatim and the second publication either verbatim or synopsis, with the last publication being at least 15 days prior to the date set for public hearing and passage of said ordinance.

SECTION 3. That a public hearing be held relative to the passage of this ordinance on the 7<sup>th</sup> day of July, 2023 at noon, at which time interested parties and citizens shall have the opportunity to be heard concerning said ordinance and any changes relating thereto.

SECTION 4. That all notices as required by law be given by the City Clerk concerning said public hearing, and in addition thereto, a certified letter be sent by the Clerk to all contiguous property owners at their last known addresses as shown by the tax records for the City of Cullman, Alabama.

SECTION 5. That upon final passage of this ordinance, all zoning maps, master comprehensive plans or any other documents of the City of Cullman, Alabama, in conflict with this ordinance are hereby changed and amended to reflect the changes and amendments herein.

SECTION 6. Should any part or portion of this ordinance be held invalid, unenforceable or unconstitutional, for whatever reason, by a court of competent jurisdiction, such ruling shall not affect any other part or portion of this Ordinance.

SECTION 7. This ordinance shall take effect and be in force from and after its passage or adoption as required by law, including notice, publication and public hearing, all in accordance with Section 11-52-1, et seq., Code of Alabama 1975, as amended.

ADOPTED BY THE CITY COUNCIL, this the 7th day of July, 2023.

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President of the City Council

ATTEST:

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City Clerk

APPROVED BY THE MAYOR, this the 7th day of July, 2023.

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Mayor