

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PRICHARD, BEING ORDINANCE NO. 981.

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

SECTION 1. That the Zoning Ordinance of the City of Prichard, being Ordinance No. 981, together with the Zoning Map of the City of Prichard be, and the same are hereby changed and altered in respect to that certain property in the City of Prichard, State of Alabama, described as follows:

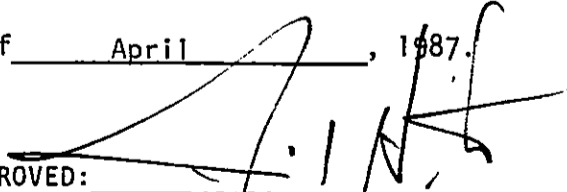
Commencing at the northwest corner of Whatley Street and Warren Street in Prichard, Mobile County, Alabama run thence northerly along north R.O.W. of Warren Street 676 feet to the point of beginning: Continue running northerly along the aforesaid north R.O.W. of Warren Street 595 feet; thence run northeasterly parallel with and 150 feet south of Emily Avenue, a distance of 1,471 feet; thence runs southeasterly a distance of 540 feet; thence run southeasterly a distance of 30 feet; thence run southeasterly a distance of 62 feet; thence run Southwesterly, parallel with Emily Street, a distance of 1296.7 feet to the point of beginning. Said property contains approximately 20 acres and is located in Section 44, Township 3 South. Part of lots A & B, Baumhauer Property Resubdivision of Block 1 of Whistler, Map Book 3, Page 107, Block 012, Parcel 25 and Block 002, Parcel 14.

ALSO KNOWN AS: 3400 Warren Street at Gould Street.

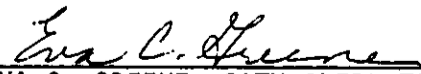
The Classification of said property is hereby changed from Manufacturing (M-1) District to Residential (R-3) District and it shall hereafter be lawful to construct on such property any structures permitted by the terms of said Ordinance in a Residential (R-3) District; provided, however, that the plans for any structure or building sought to be erected on said property shall be in compliance with the Building Laws of the City of Prichard, and that any structure shall be approved by the Building Inspector of the City of Prichard, and that any such structure be erected only in compliance with such laws, including the requirements of said Ordinance #981.

SECTION 2. This Ordinance shall have full force and effect upon its approval as required by law.

Adopted this 7th day of April, 1987.

APPROVED: 

MAYOR JOHN H. SMITH

ATTEST: 

EVA C. GREENE, CITY CLERK-TREASURER

March 23, 1987

Mr. Norman Gale, Attorney-At-Law
509 Church Street
Mobile, AL 36602

RE: Restrictive Covenants
Alice B. Jones Property

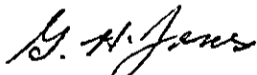
Dear Mr. Gale:

Attached please find a fully executed copy of the Restrictive Covenants on the above captioned property. If the Prichard City Council, at its next regularly scheduled meeting, on April the 7th, 1987, affirmatively votes to rezone this property to R-3 residential, you are hereby authorized to record these covenants against the property and send the bill for the recording to my attention.

However, in the event that the property is not rezoned, please return these covenants to me.

If you have any questions concerning this matter, please feel free to give me a call.

Sincerely,



G. H. Jones,
As Executor of the Estate of Alice B. Jones
4326 Carlyle Way, Apt. 300
Mobile, AL 36609

cc: Mr. Chuck Stefan

/jb

Attachment

STATE OF ALABAMA.

COUNTY OF MOBILE.

DECLARATION OF RESTRICTIONS AND COVENANTS

FOR

ALICE B. JONES PROPERTY

WHEREAS, the Estate of Alice B. Jones, proposes to record a plat for a proposed subdivision, located in the County of Mobile, State of Alabama, which is more particularly described on Exhibit "A" attached hereto and made a part hereof.

AND, WHEREAS, the Estate of Alice B. Jones is desirous of executing and maintaining restrictive covenants covering the above described proposed plat and subdivision;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Estate of Alice B. Jones, does hereby agree with all the purchasers and future owners of any lots to be located in the proposed plat and subdivision, that the following protective and restrictive covenants regarding the use of said property shall apply in said proposed plat and subdivision:

1. LAND USE AND BUILDING TYPE: All lots shall be known and described as residential lots. No structure shall be erected, altered, placed, or permitted to remain on any residential building lot other than one detached single family dwelling not to exceed 2-1/2 stories in height and a private garage for not more than three cars.

2. NUISANCES: No noxious or offensive trade or activity shall be carried on or maintained on any lot in the proposed subdivision, nor shall anything be done thereon which may be or become an annoyance, or a nuisance to the neighborhood. No structure, including fences, shall be erected so as to channel water on an adjacent lot.

3. TEMPORARY STRUCTURES: No trailer, Mobile Home, recreational vehicle, basement, tent shack, garage, garage apart-

ment, barn, or other out-building shall at any time ever be used as a residence, temporarily or permanently, nor shall any structure of a temporary character ever be used as a residence. No boat 25 feet in length, or larger, may be kept on the premises and all smaller boats must be kept on trailers in the rear yard, or within a garage or carport not visible from any public street.

4. GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

5. ANIMALS AND POULTRY: No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept bred, or maintained for any commercial purpose. In no event shall more than four household pets be kept on any lot at any one time.

6. FENCES: No fence, wall, or hedge shall be permitted along the street frontage of any lot and in the area between the front property line and the setback line or the front of the dwelling, unless a particular exception due to desirable architectural treatment is obtained from an Architectural Committee to be formed. In no event will a metal chain link or similar type utility fence be permitted in the area between a dwelling front and a street. Under no circumstances will a fence in excess of six (6) feet in height be permitted.

7. AMENDMENTS: Any or all of the restrictions hereby may be annulled, amended, or modified at any time by an instrument executed by the record owners of three fourths or more of the lots in said proposed subdivision, provided, however, that no amendment shall place an additional burden or restriction on lots in said proposed subdivision which bind any lot, the owner does not join in said amendment.

8. TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date of these covenants, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument, signed by three fourths of the then owners of the lots, agreeing to change said covenants in whole or in part, has been recorded.

9. VIOLATIONS: Any violation of these covenants shall not act as a cloud upon the title of the property concerned and title shall not be forfeited as a result of such violation.

10. ENFORCEMENT: Shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to remove damages.

11. SEVERABILITY: Invalidation of any of these covenants by judgment or court decree shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the Estate of Alice B. Jones has caused this instrument to be executed on its behalf on this the 24th day of March, 1987.

ESTATE OF ALICE B. JONES

By: George H. Jones
George H. Jones
As Its Executor

STATE OF ALABAMA.

COUNTY OF MOBILE.

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that GEORGE H. JONES, whose name as Executor of the Estate of Alice B. Jones is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the said instrument, he, in his capacity as Executor, and with full authority, executed the same voluntarily for and as the act of the Estate of Alice B. Jones.

Given under my hand and official notarial seal this the 24th day of March, 1987.

Lawrence C. Ratty
NOTARY PUBLIC
My Commission Expires: 6-12-90

EXHIBIT A

LEGAL DESCRIPTION

ALICE B. JONES PROPERTY
Whistler, Alabama

Commencing at the northwest corner of Whatley Street and Warren Street in Prichard, Mobile County, Alabama run thence northerly along north R.O.W. of Warren street 676 feet to the point of beginning: Continue running northerly along the aforesaid north R.O.W. of Warren Street 595 feet; thence run northeasterly parallel and with 150 feet south of Emily Avenue, a distance of 1,471 feet; thence run southeasterly a distance of 540 feet; thence run southeasterly a distance of 30 feet; thence run southeasterly a distance of 62 feet; thence run southwesterly, parallel with Emily Street, a distance of 1296.7 feet to the point of beginning. Said property contains approximately 20 acres and is located in Section 44, Township 3 South. Part of lots A & B, Baumhauer Property Resubdivision of Block 1 of Whistler, Map Book 3, Page 107, Block 012, Parcel 25 and Block 002, Parcel 14.