



**CITY OF OPELIKA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA**

300 Martin Luther King Blvd.

August 12, 2025

TIME: 9:00 AM

A. APPROVAL OF MINUTES

B. VARIANCE

1. Samford Group, LLC, authorized representative for Pate Cathy Elizaberth Burdette, property owner, 2112 Cunningham Drive, Requesting a 13.5 foot front yard setback variance from the 25 foot minimum front yard setback, a 5-foot side yard setback variance from the 10-foot minimum side yard setback and a 5-foot side yard on street variance from the 20-foot minimum side yard on street setback requirement.
2. Southern Plains Development Services, LLC, authorized representative for Donna and Christopher Clemons, property owners, 3100 Hamilton Road, R-2 zoning district, Requesting a 328 square foot lot area variance from the 15,000 square foot minimum lot area requirement.

“In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-5130.”



ZONING BOARD OF ADJUSTMENT MINUTES

300 Martin Luther King Blvd.

June 10, 2025

TIME: 9:00 AM

A. APPROVAL OF MINUTES

The City of Opelika Zoning Board of Adjustment held its regular monthly meeting June 10, 2025 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Wilbert Payne, Mrs. Raven Harvis, Mr. Brandon Hilyer, and Mr. Chris Anthony.

MEMBERS ABSENT: Mrs. Tipi Miller, Mrs. Micah Melnick, and Mrs. Angela George.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Marty Ogren, Planning Assistant Director
Mrs. Rachel Dennis, Planner
Mrs. Dana Gafford, Zoning and Planning Technician

CALL TO ORDER: Chairman Payne called the meeting to order at 9:00 a.m.

ROLL CALL: Payne, Harvis, Hilyer, and Anthony.

Approval of Planning Commission Minutes March 11, 2025

RESULT:	Passed
MOVER:	Position 2 Brandon Hilyer
SECONDER:	Position 7 Chris Anthony
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

B. VARIANCE

1. Ryan Kennedy, authorized representative for Nuria Laney, property owner, 3602 Village Creek Court, Cedar Creek PUD zoning district, Requesting a 4.3-foot rear yard setback variance from the 20-foot minimum setback requirement for a 15.6' x 25.6' patio cover addition.

Mr. Mosley presented the staff report to the Zoning Board of Adjustments. He stated that the agenda item was a request for a rear setback variance at 3602 Village Creek Court in the Cedar Creek PUD. The request is for a 4.3-foot rear yard setback variance from the 20-foot minimum setback requirement. The applicant, Ryan Kennedy, is requesting to build a 15' x 25' covered patio. Mr. Mosley stated that the house has an irregular pattern in the back, as one room sticks out further, so the owners are proposing to fill in that area and also extend it back 15 ft, four ft

of which extends into the 20 ft setback. He stated that the Planning staff have looked at the proposal and noted that the current patio space is not usable as is. The staff also noted that there is some slope in the backyard as well as large fences. The slope does not appear to be enough to cause a hardship for the size of patio they would like to build. Mr. Mosley noted that they have not received any correspondence from neighbors, either against or in favor of the proposed variance. He stated that the staff had not provided either a positive or negative recommendation.

Mr. Hilyer inquired if the neighbors had been contacted.

Mr. Mosley stated that letters had been mailed to all neighbors who might be impacted.

Ryan Kennedy, representative for Nuria Laney, the homeowner, noted that the plat for the property shows a 25 ft. setback in the back, which he states shrinks the lot size or usable space. He stated that there is a slope to the yard. That is, perhaps, why the house was originally moved back an extra two feet. He acknowledged that the patio size could be reduced to 11 feet, but stated that the current patio is eight feet and the bay window impedes two feet of that area. The owner realistically would like to have a 15-foot patio space to work with, but would concede to a 12-foot patio if needed.

Chair Payne opened the public hearing.

No comments.

Chair Payne closed the public hearing.

Motion to approve requested 4.3 ft. variance.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 2 Brandon Hilyer
DISCUSSION	Mr. Hilyer stated that although it doesn't seem like much, two feet can make a big difference, and therefore, he believes that what the applicant is asking for is not outrageous.
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

C. ADJOURN

Motion to adjourn at 9:12 am.

RESULT:	Passed
MOVER:	Position 4 Raven Harvis
SECONDER:	Position 7 Chris Anthony
AYES:	Position 2 Hilyer, Position 4 Harvis, Position 6 Payne, Position 7 Anthony
NAYS:	None
ABSTAIN:	None

Wilbert Payne, Chairman

Matt Mosley, Secretary

Variance 1

2112 Cunningham Drive



APPLICATION FOR VARIANCE (Section 4.2A)

PLANNING DEPARTMENT

700 Fox Trial, Opelika, Al 36801
(334) 705-5156 Fax (334) 705-5159

DATE: 7/3/2025	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Pate Cathy Elizabeth Burdette	203 Lancelot Lane	
Owner Name	Address	Phone
Hayes Eiford	2449 Moores Mill Road, Suite 120	205-447-7827
Agent Name (if applicable)	Address	Phone

PART II. PARCEL INFORMATION

Street Address: 2112 Cunningham Dr.

Current Zoning: R4

Current Land Use: Residential

Type of Variance Sought: _____ Sign _____ Parking ☒ Setback _____ Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan)

This project has the new Veteran's/Hi-Pack Extension road running through it, so we have been coordinating with the city and 3Notch Group (engineering firm doing the road design for the city). In the latest CAD file that was sent over by 3Notch it showed their proposed roundabout encroaching into our northeast boundary. This is going to cause Lot 12 to no longer meet the 25' (back) setback requirement.

Setback	Required	Proposed	Amount of Variance
Front	25 ft	11.5 ft	13.5ft
Side	20 ft	15 ft	5 ft
Side	10 ft	15 ft	5 ft
Rear	20 ft	20 ft	0 ft

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? The Veteran's Extension Road/Roundabout that we are working with the city on.

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? No, it would simply redistribute space around the property in a way that is neither unfair nor causes any hardship.

3) Will the proposed variance alter the character of the area? If so, how? _____
No, it will provide adequate separation between the lot and the planned roundabout.

Provide the Names and Addresses of ALL adjoining Property Owners:

<u>Pate Cathy Elizabeth Burdette</u>	<u>203 Lancelot Lane</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FEES:		
Total Number of Adjoining Property Owners	X \$6.74 =	
	+ Fee	\$75.00
	TOTAL	

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) 2112 Cunningham Dr. . Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.



Signature

7/23/2025

Date

CITY OF OPELIKA – BZA
STAFF REPORT
August 12, 2025

Applicant: Samford Group, LLC representative for Pate Burdette, property owner

Property: 3100 Hamilton Road

Zoning District: R-4

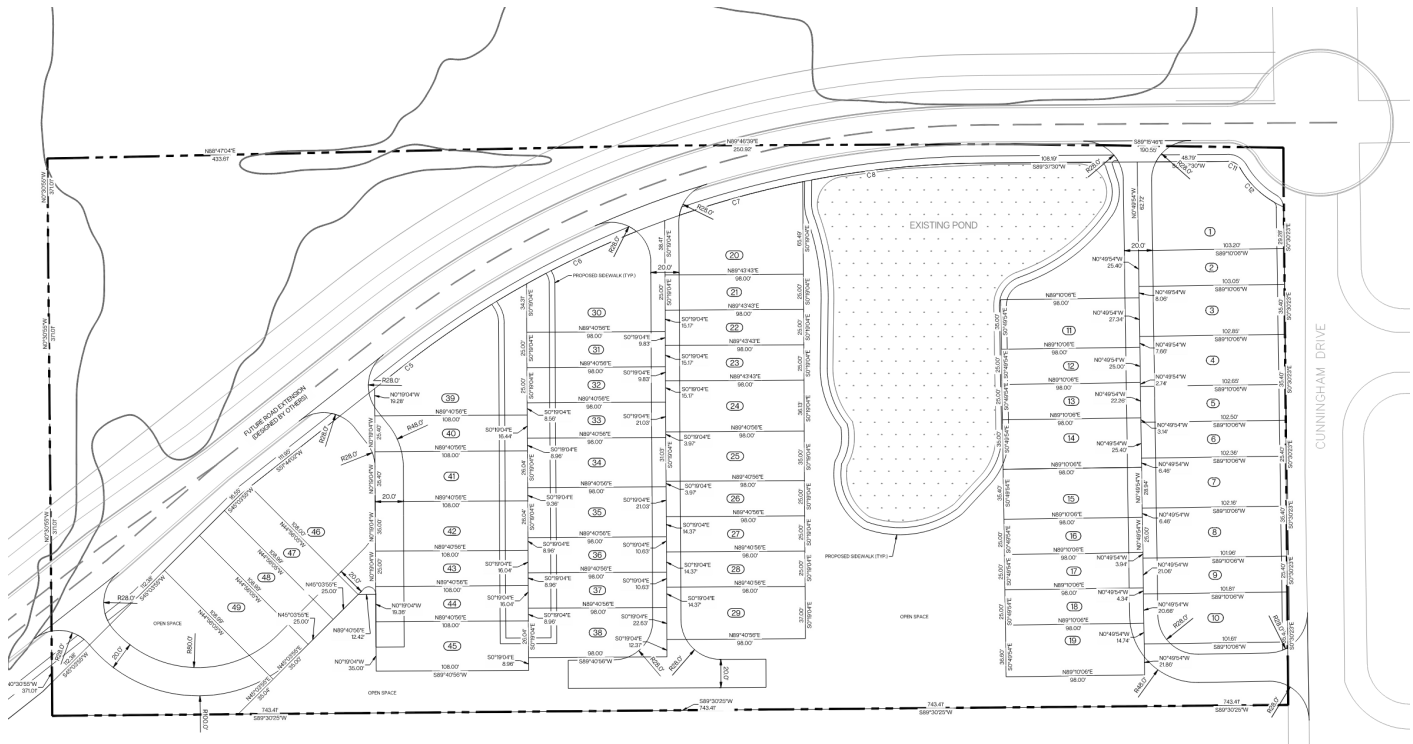
Request: Requesting three setback variances for one lot: (1) a 13.5-foot front yard setback variance from the 25-foot minimum front yard setback, (2) a 5-foot side yard setback variance from the 10-foot minimum side yard setback and (3) a 5-foot side yard on street variance from the 20-foot minimum side yard on street setback requirement.

Proposal

Brookhaven townhome subdivision was granted preliminary plat approval for 49 townhome lots at the April 2025 Planning Commission meeting (see plat #1 below). The townhome subdivision is accessed from Cunningham Drive on the west side. Later, townhome lots will also have access to Hi Pack Drive from three private alleys (two-way) when Hi Pack is extended west and intersects with Cunningham Drive. (A final phase of Hi Pack Drive street construction will extend Hi Pack Drive to Gateway Drive.) The Hi Pack and Cunningham Drive intersection will be a roundabout. It was determined during final street & roundabout design that the roundabout required more right-of-way space and that space would be from Lot 1. (See Lot 1 next to roundabout in #2 drawing on page 2.)



#1. Brookhaven Townhome Subdivision, Preliminary Plat, April 2025 Planning Commission
Three Brookhaven two-way private alleys intersecting Hi Pack Drive.



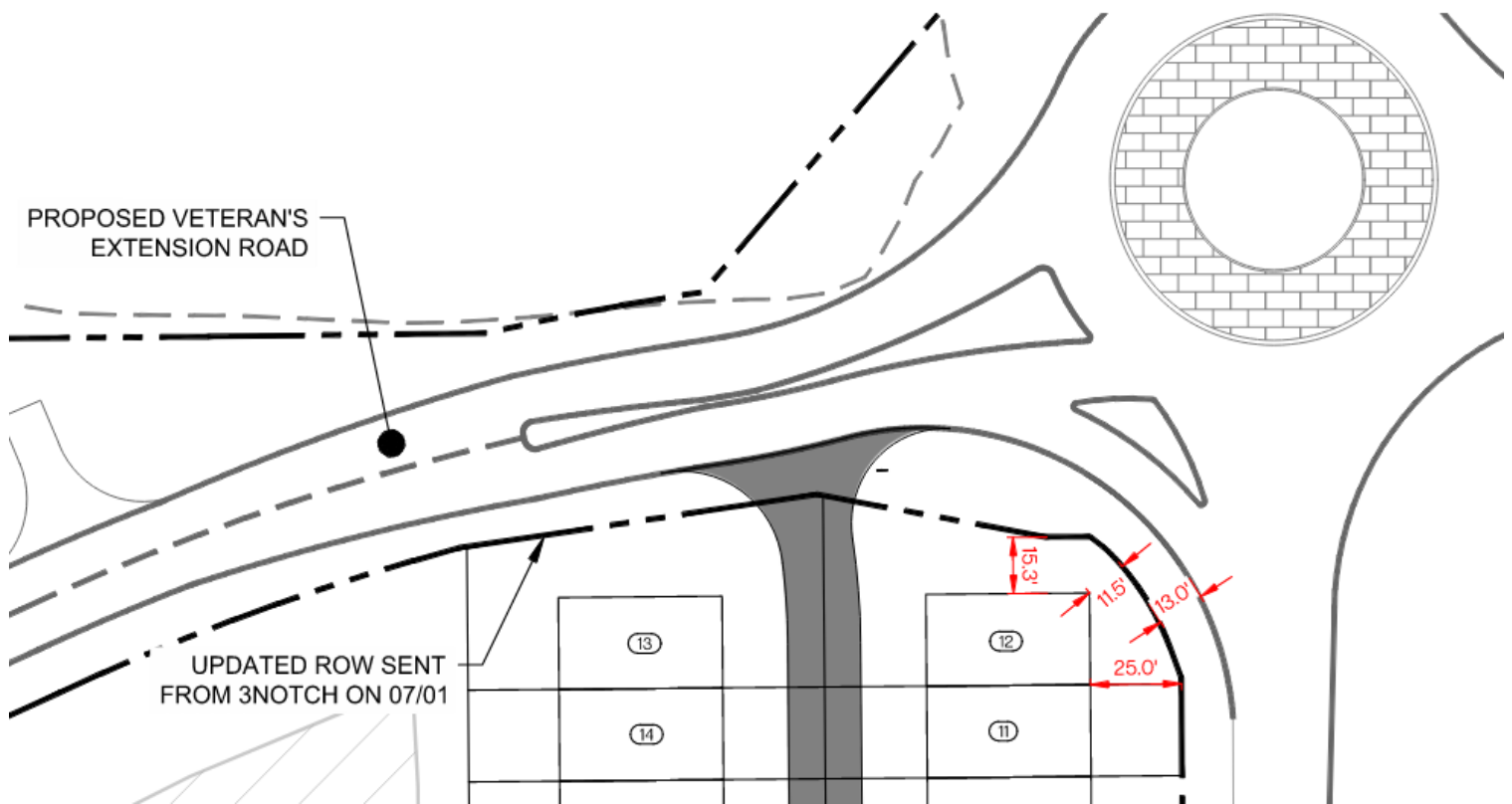
#2. Extension of Hi Pack Drive: Brookhaven subdivision has two streets intersecting Hi Pack and roundabout shown (circle at top right corner) at the intersection of Cunningham Drive and Hi Pack Road extension.

Recommendation

The new public street and roundabout presents a unique hardship for the developer in meeting minimum setback requirements for Lot 12 (see Lot 12 on page 3). The preliminary plat and layout for 49 townhome lots was approved by the Planning Commission. Later, it was determined more right-of-way was needed for the roundabout intersection. The extra right-of-way was taken from Lot 12 that resulted in a setback variance request for the townhome on Lot 12. The hardship for a variance request was not created by the developer (property owner) but from necessary street design changes. Approving the variance allows the developer to construct a townhome on Lot 12. Staff recommends approval of the following variance request:

- 13.5 foot front yard setback variance from the 25-foot minimum front yard setback,
- 5-foot side yard setback variance from the 10-foot minimum side yard setback and
- 5-foot side yard on street variance from the 20-foot minimum side yard on street setback requirement.

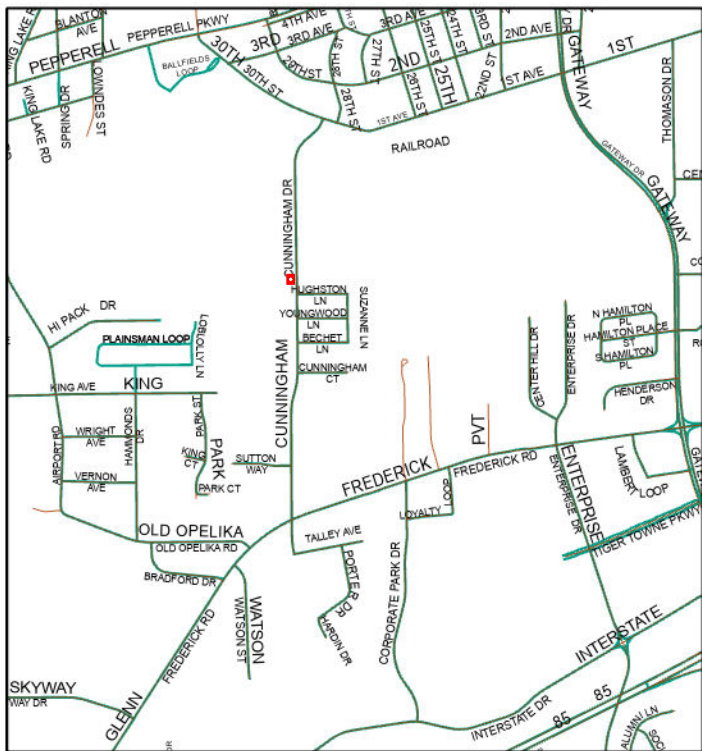
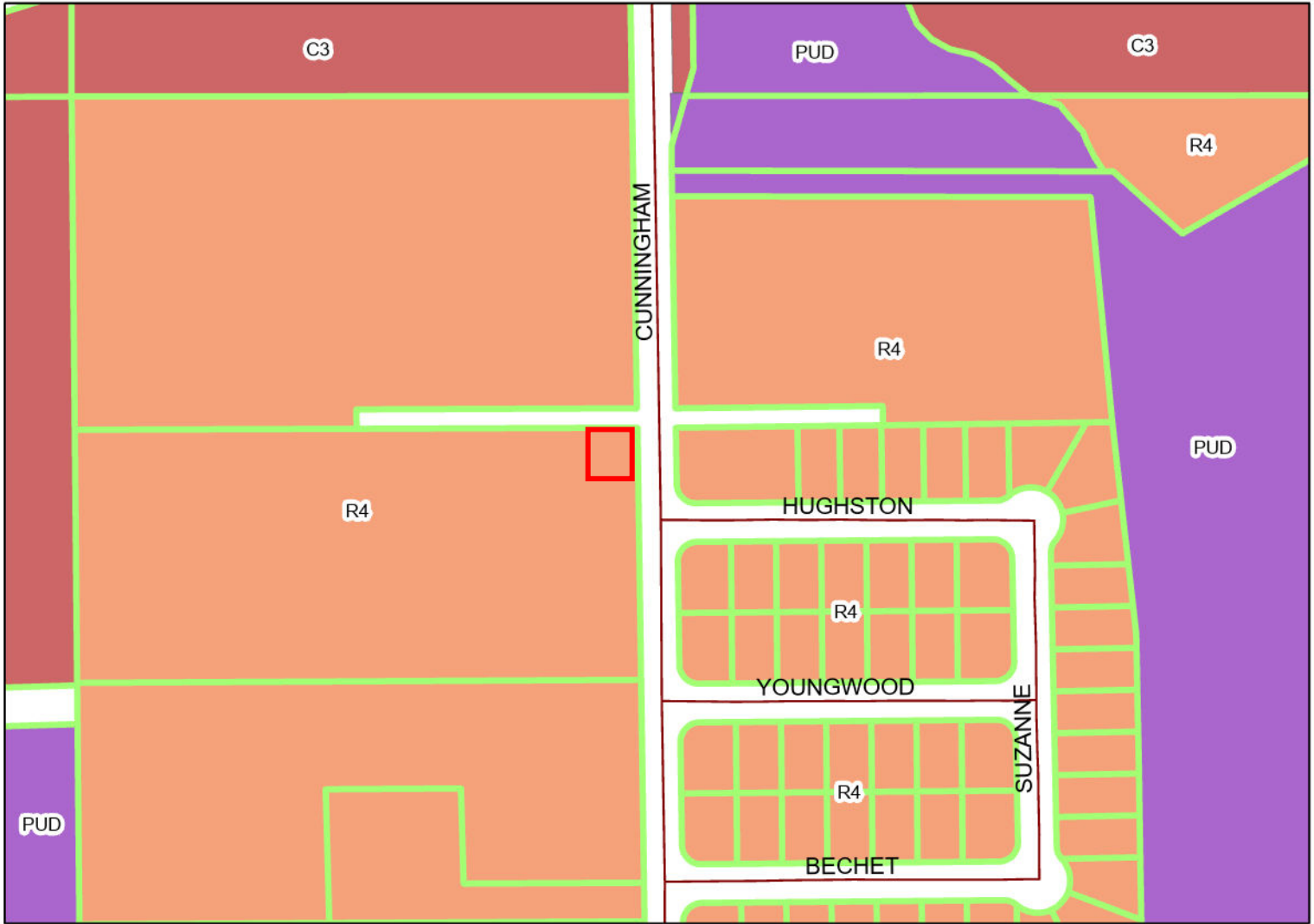
Certified letters were mailed to adjacent property owners. A Zoning Board Public Hearing sign about the variance was posted on or before Monday, August 4th. (At this writing no one has contacted the Planning staff about the variance.)



CUNNINGHAM DRIVE ROUNDABOUT VARIANCE REQUEST

CUNNINGHAM DRIVE

FRONT AND SIDE YARD SETBACK, B-1

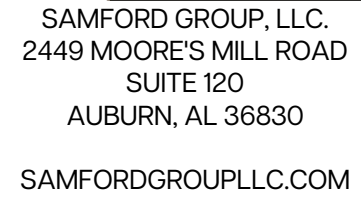
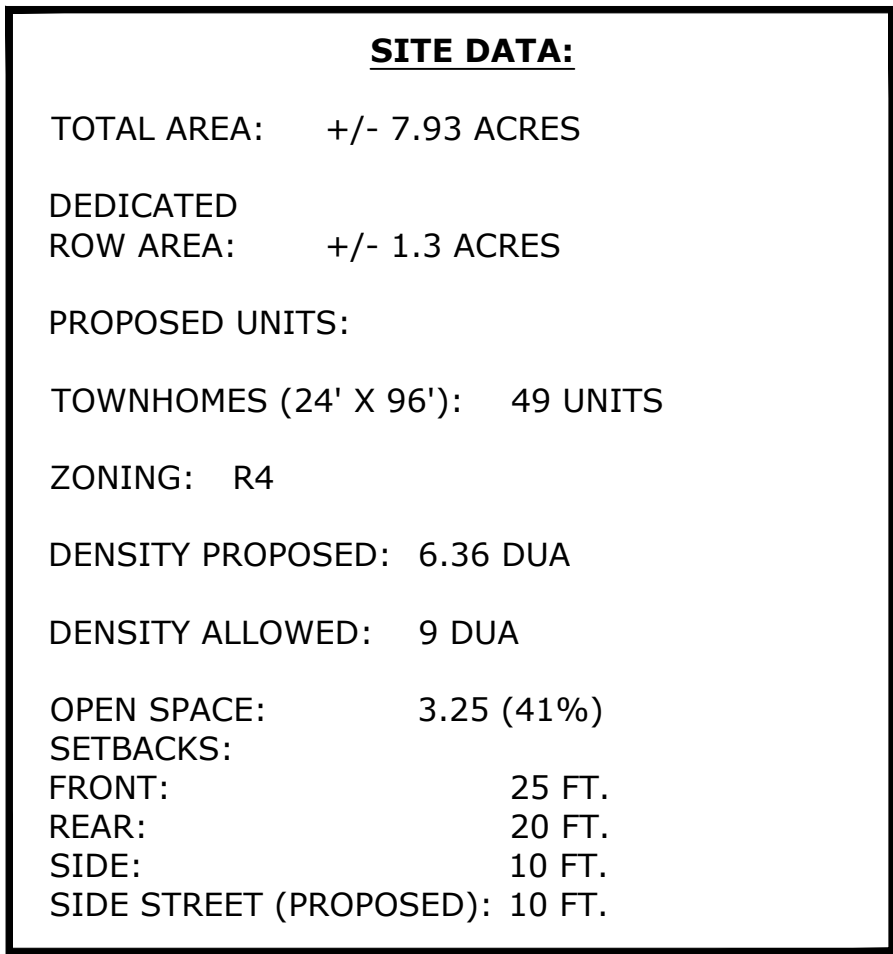


The proposed Cunningham roundabout right-of-way encroaches into the northeast part of Lot 12 located in the Brookwood Townhome subdivision. The side and front minimum setbacks are not met. Brookwood was approved at the April 2025 Planning Commission meeting.



Subject Property

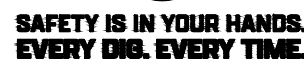
The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such

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2112 CUNNINGHAM DRIVE
CITY OF OPELIKA, LEE COUNTY, AL

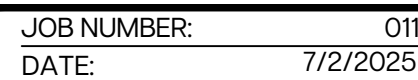
THESE DOCUMENTS ARE THE PROPERTY OF SAMFORD GROUP, LLC. ANY DISTRIBUTION OR USE BEYOND THEIR INTENT WITHOUT WRITTEN CONSENT IS A VIOLATION OF COPYRIGHT LAWS.

Authorized By: Gregory H. Eiford Jr.
Alabama License Number: 53032



DRAWN BY:	WB
DESIGNED BY:	--
REVIEWED BY:	JM

NORTH ARROW



SETBACK EXHIBIT

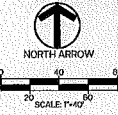
SETBACK EXHIBIT

BROOKHAVEN TOWNHOMES
 CUNNINGHAM DRIVE
 CITY OF OPELIKA, LEE COUNTY, AL



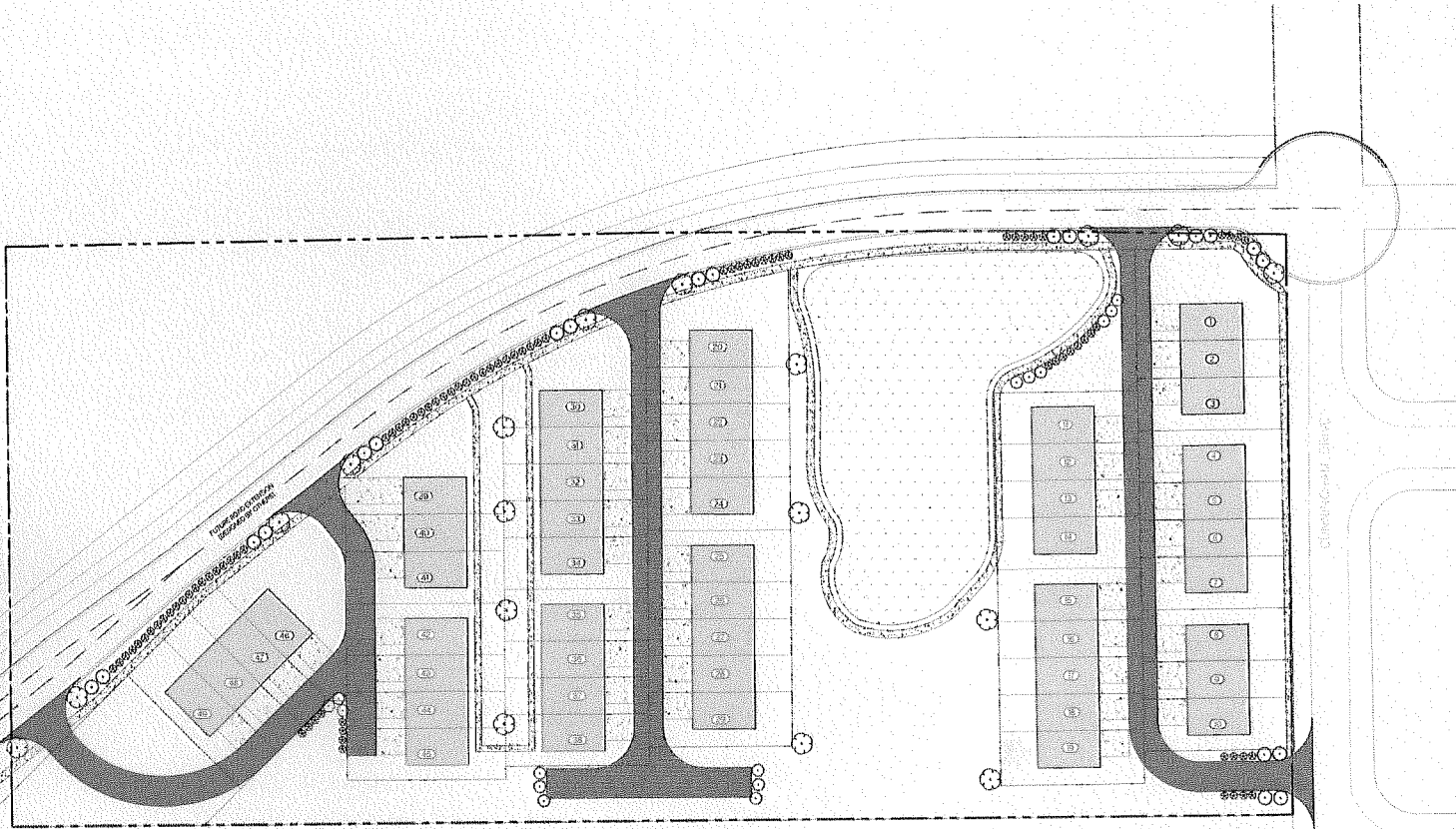
DESIGN TEAM:
 DRAWN BY:
 DESIGNED BY:
 REVIEWED BY:

SCALE & NORTH ARROW:



JOB NUMBER: 011
 DATE: 3/25/2020

SHEET TITLE:
 LANDSCAPE PLAN



PLANT SCHEDULE	
TREE TYPE	QTY
3-2.5" CALIPER SHADE TREE	18 (188 PTS)
1.25-1.5" CALIPER EVERGREEN TREE	18 (165 PTS)
1.25-1.5" CALIPER UNDERSTORY TREE	18 (80 PTS)
SHRUB TYPE	QTY
MEDIUM EVERGREEN SHRUB	85 (85 PTS)
CALCULATIONS:	
SF OF DEVELOPED AREA	202,969 (4.85 AC.)
POINTS REQUIRED	420 PTS
POINTS PROVIDED	518 PTS

SITE DATA	
TOTAL AREA:	+/- 7.93 ACRES
PROPOSED UNITS:	
TOWNHOMES (24' X 86'):	49 UNITS
ZONING:	R4
DENSITY PROPOSED:	6.36 DUA
DENSITY ALLOWED:	9 DUA
OPEN SPACE:	3.2 ACRES (41%)
SETBACKS:	
FRONT:	25 FT.
REAR:	20 FT.
SIDE:	10 FT.
SIDE STREET (PROPOSED):	10 FT.

Variance 2

Southern Plains



**APPLICATION FOR
VARIANCE (Section 4.2A)**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



DATE:	Zoning Board of Adjustment Meeting Date:
Case Number:	Meeting Deadline:

PART I. OWNER / APPLICANT INFORMATION

Owner Name _____ Address _____ Phone _____

Agent Name (if applicable) _____ Address _____ Phone _____

PART II. PARCEL INFORMATION

Street Address: _____

Current Zoning: _____

Current Land Use: _____

Type of Variance Sought: _____ Sign _____ Parking _____ Setback _____ Other _____

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) _____

Setback	Required	Proposed	Amount of Variance
Front			
Side			
Side			
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? _____

2) Would the strict application of this ordinance produce an unwarranted hardship not generally shared by others? _____

3) Will the proposed variance alter the character of the area? If so, how? _____

Provide the Names and Addresses of ALL adjoining Property Owners:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FEES:		
Total Number of Adjoining Property Owners	X \$7.00 =	
	+ Fee	\$75.00
	TOTAL	

PART V.

I hereby request that the Zoning Board of Adjustment review a variance request for my property located at (street address) _____. Enclosed are the true and accurate names and addresses of all adjacent property owners. I understand that the City may require additional information, or waive certain requirements, in order to make a decision on the request at any time during the process.

Christopher Clemons

Signature

Date

CITY OF OPELIKA - BZA

STAFF REPORT

August 12, 2025

<u>Applicant:</u>	Southern Plains Development Services, LLC (Authorized Representative) Donna and Christopher Clemons (Property Owner)
<u>Property:</u>	3100 Hamilton Road
<u>Existing Zone:</u>	R-2 (low density residential)
<u>Request:</u>	Requesting a 328 square foot lot area variance from the minimum 15,000 square foot minimum lot area requirement

The applicants Southern Plains Development Services, LLC, for the Clemons (property owners) would like to divide the existing home lot to create another lot for a single-family residential lot. The minimum lot size requirement is 15,000 sq. ft. The second lot is shown to be 14,678 sq. ft. on the site plan. The applicant states in the application packet that the proposed new home will have a similar design, aesthetic, character and size to the existing homes surrounding.

There is not a hardship in this variance request based on the lot's physical property such as a triangle shaped lot, severe slopes, or water features. However, the existing lot is bordered largely by the Saugahatchee Country Club property (Golf Course) and across the street from the Hamilton Gables development. The lot would be smaller in size of some of the other lots on this side of Hamilton Road. The front minimum lot width would be similar or larger with about 140 feet to the lot widths on that side of Hamilton Road. In the plan provided, it shows a single-family home would fit on the proposed lot with no set back variances required. The existing home at 3100 Hamilton Road and the new lot would share a driveway entrance that is existing. This request is in character with the neighborhood and should not be a disadvantage to the adjacent properties.

Recommendation:

Planning does not have a positive or negative recommendation for this case due to the property does not have a standard hardship for a variance. A lot size variance is a rare request. However, staff does not believe the lot size reduction would be a disadvantage to the adjacent properties.

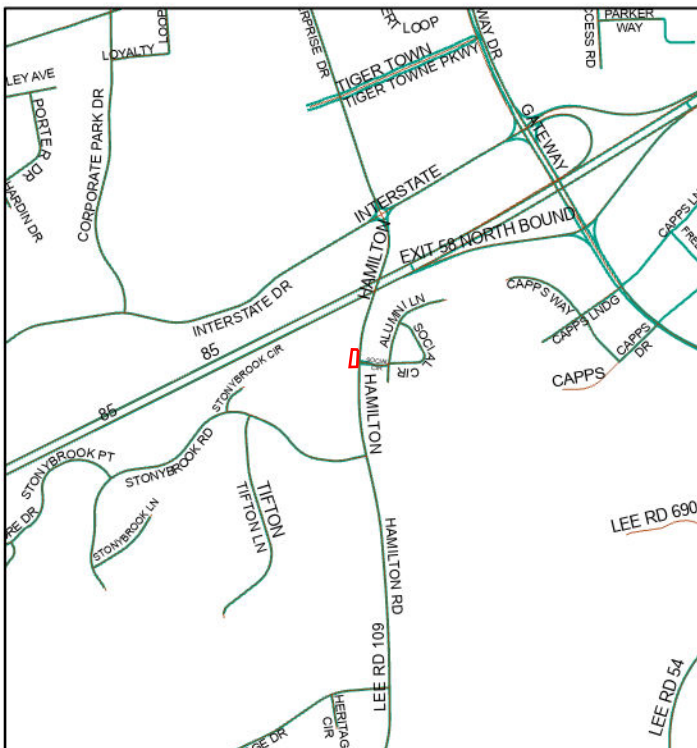
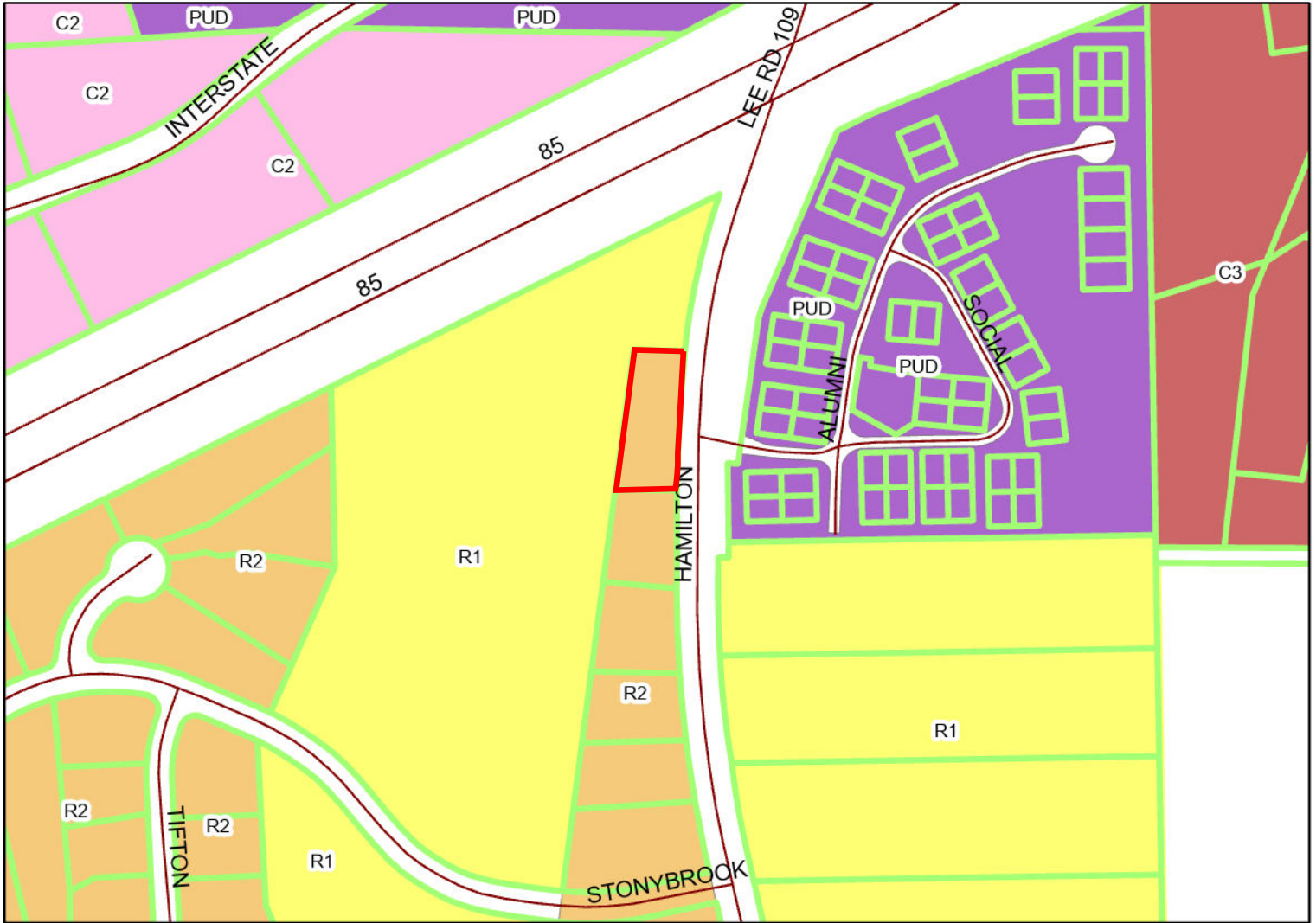
If approved (1) The new lot shall take access from a platted shared driveway easement.

(2) The new home shall be a consistent character and style to those adjacent in terms of size, building materials, garage, and other features.

SOUTHERN PLAINS VARIANCE REQUEST

3100 HAMILTON ROAD

LOT AREA, B-2



The applicant is requesting a 328 square foot lot area variance from the minimum 15,000 sf lot size requirement due to the slope of the lot.



Subject Property

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VARIANCE APPLICATION



Project Summary

ADDRESS: 3100 Hamilton Rd Opelika, AL 36804

OWNER(S): Christopher and Donna Clemons

PROJECT REP(S): Joshua Decker/Cole Seferyn

SURVEYOR: Mike Maher

OBJECTIVE: Split 3100 Hamilton Rd into two separate lots- essentially creating an additional buildable lot off the large existing property.

CONFLICT: Current zoning ordinances

- Minimum of 1500 square foot lot size PER subdivided lot in R2 zoning
- Proposed lot is 328 square feet short of meeting criteria

PROPOSED RESOLUTION: Grant a variance of the current zoning ordinances to wave the 328- square foot shortage. Therefore, shortening the side lot setback by 328 square feet.

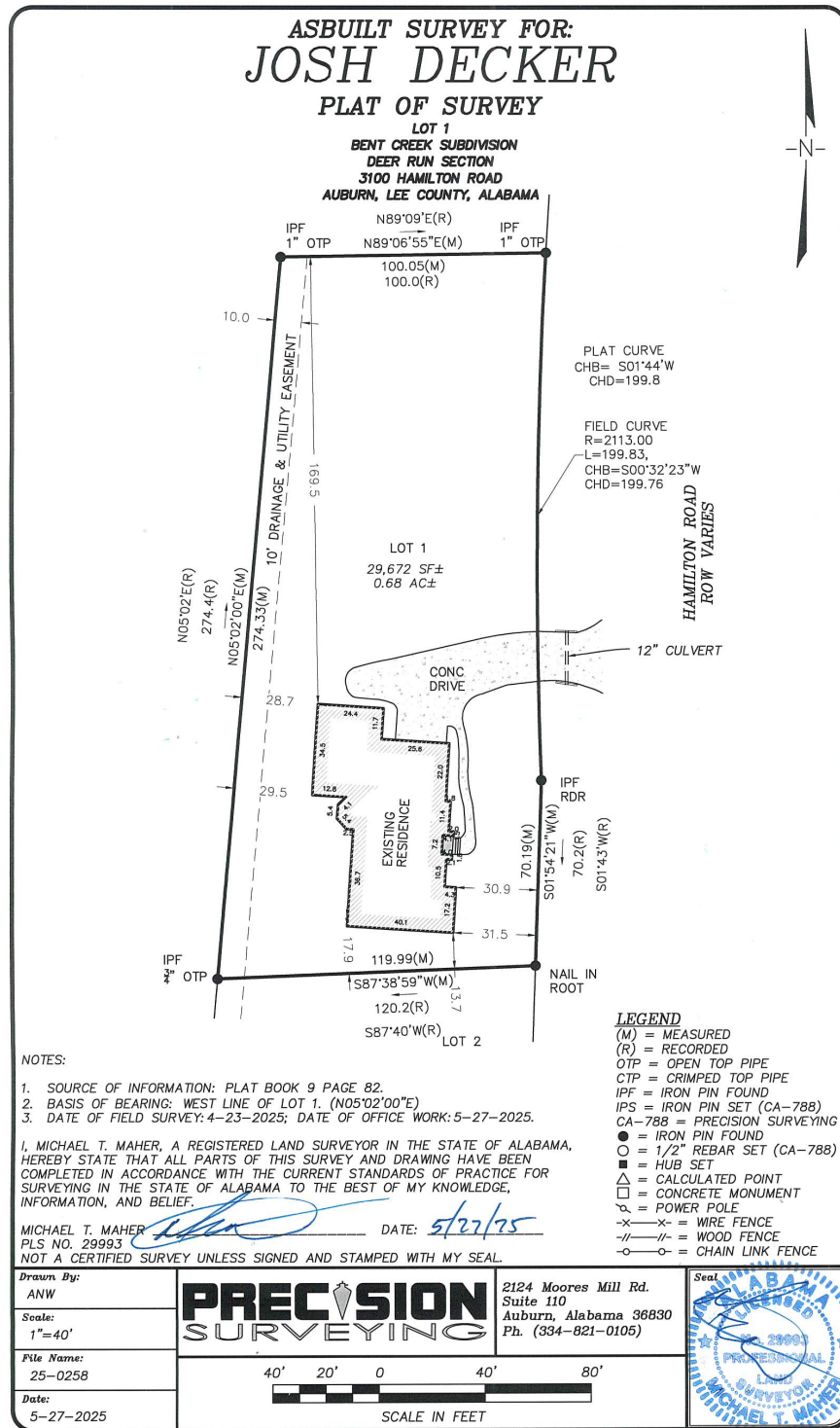
POST RESOLUTION PLAN: Develop the new lot by building an adjacent style/adjacent square foot residential home as a spec build. List on market as a spec – become custom development.

A STUDENT STORY:

This project is spearheaded by a group of Auburn University students who share a unified vision for both the property and the surrounding community. Their goal is to create a development that not only benefits the area but also serves as a platform for hands-on learning and real-world experience for driven, entrepreneurial students. Southern Plains Development Services LLC—founded, led, and owned by students—is a consulting group committed to fostering a spirit of entrepreneurship and collaboration among fellow student business owners. In keeping with this mission, the proposed clearing, grading, and utility work will be handled by a company owned by Auburn students, and the real estate services will also be provided by a fellow student. This uniquely student-led initiative brings a compelling and inspiring narrative to the development, showcasing the power of student collaboration and innovation.

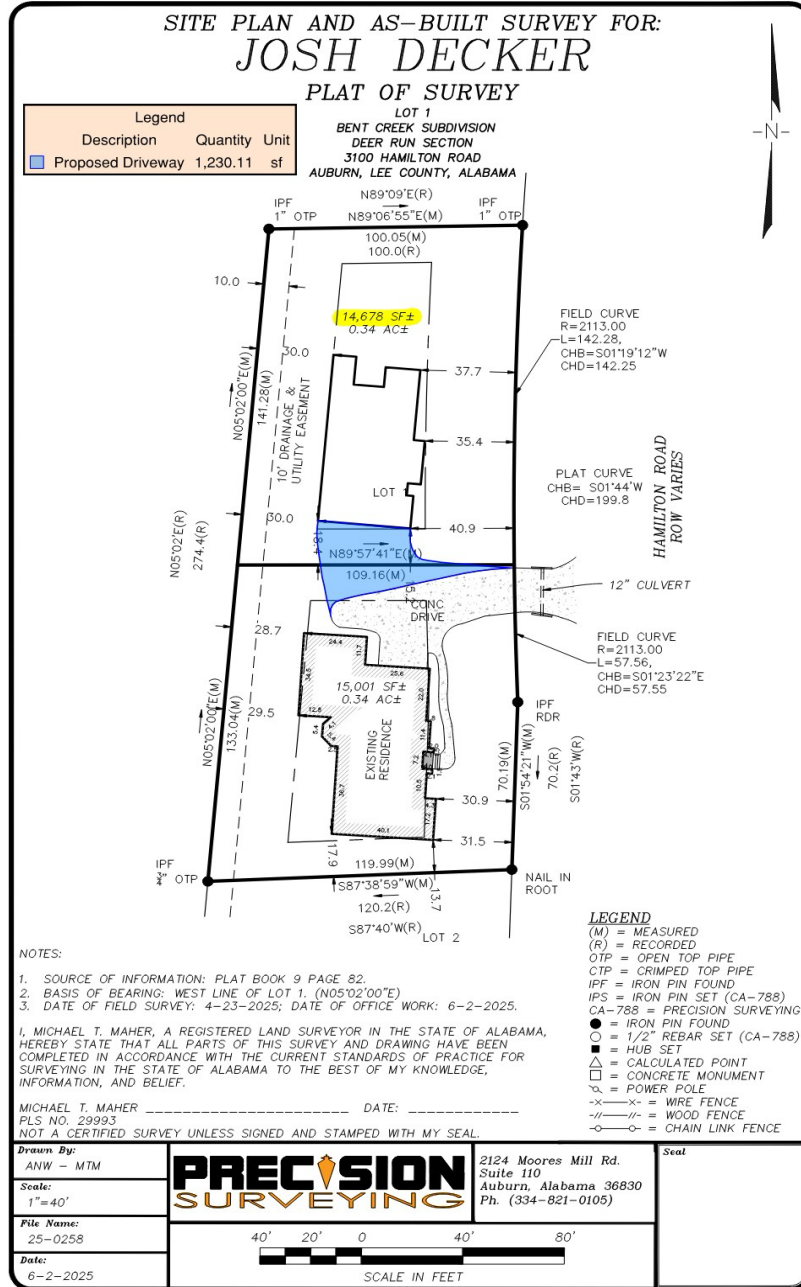


VARIANCE
APPLICATION



VARIANCE APPLICATION

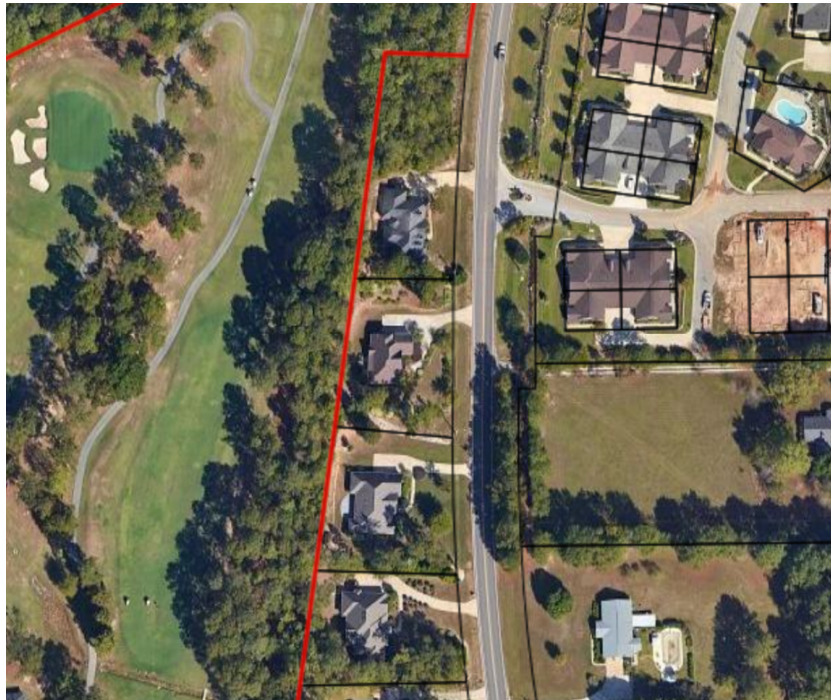
PROPOSED NEW LOT LINE/HOME GRAPHICS & DETAILS:



VARIANCE APPLICATION

This request is 2.2% of the minimum requirements by R-2. It seems reasonable to request this given that approximately 0.3 acres on the Clemons property cannot be developed or reasonably improved due to its oddly slopped and wooded nature.

I would also argue that this wooded land is unique to our parcel in comparison to the other plots on the street. While the Clemons share a similar sized plot of land as their neighbors, 0.3 acres of their land is reasonably unusable. If you subtract this from what useable land they do have, it falls short of the amount their neighbors own.



VARIANCE APPLICATION

DETAILS:

NEIGHBORS

- Saguache Country Club Owned (Right Side Neighbors)
 - o 334.749.3441
 - o 3800 Bent Creek Road, Opelika, AL 36804
- Neil Moore (Left Side Neighbors)
 - o 3102 Hamilton Rd
- Hamilton Gables HOA (Across Hamilton Rd)
 - o 3115 Alumni Lane, Opelika, AL 36804

CONSTRUCTION

- With the positioning of the proposed new lot, it will sit to the right of the current owners, away from all other neighbors. The property to the right of the proposed new lot is vacant land owned by the club. Therefore, there will be no future construction that will disrupt the current residents on Hamilton Road.
- Sanitary Sewer line will need to be run under the road, either by cut and patch or reinforced boring.
- Electricity lines can be extended down the road and tied into new loop with ease, along with city water line.
- Along with running utilities, cut and grade, and landscaping will be performed to match the aesthetic of the country club.
- We've been in contact with a handful of home builders, interviewing them to see if they can perform work to match that of the neighborhood without having it stick out.
- Agreements have been made with competitive homebuilders, site contractors, and investors to ensure Auburn University Students have a hand on every aspect of this project.

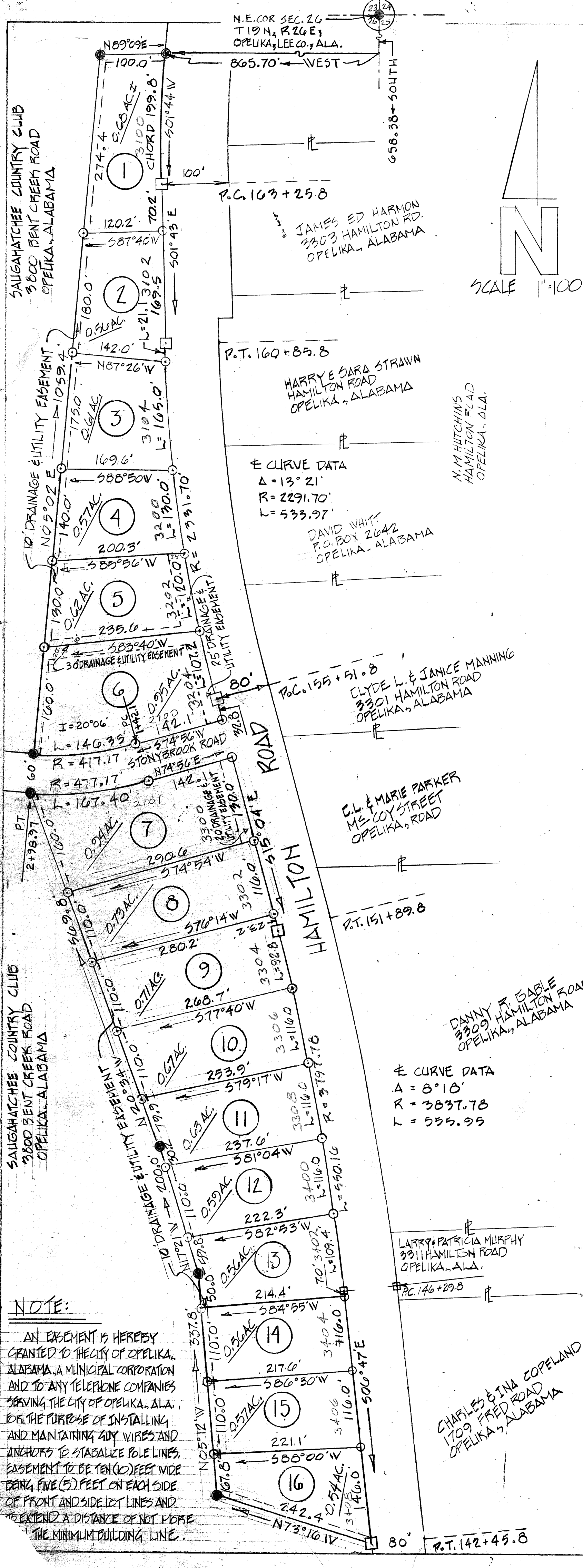
HARDSHIP

- 3100 Hamilton Rd is a larger parcel than the others existing on Hamilton Rd. Their extra land to the east is unusable to them other than to create an additional lot. The current zoning ordinance of 15000 sq ft minimum per lot argues hardship as the owners cannot fully maximize the potential use of their property. By making an exception of 328 sq ft, this would allow a new family and home to make good use of the extra land. This in turn adds community commerce benefits, property tax benefits, a new country club member, and a seamless end to the residences on Hamilton Rd before the I85 bridge. The proposed new home will have similar setbacks, design, aesthetic, character, and size to the existing homes surrounding. This proposal is an addition to the community in many ways, not a subtraction.



VARIANCE
APPLICATION





BENT CREEK SUBDIVISION DEER RUN SECTION

SEC. 26 T19N R26E
OPELIKA LEE COUNTY ALABAMA
SCALE 1"=100'
T. RICHARD FULLER
L.S. ALA. REG. NO. 7384

STATE OF ALABAMA
LEE COUNTY
I, T. RICHARD FULLER, A REGISTERED LAND SURVEYOR OF ALABAMA, HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT PLAT OF A SURVEY MADE BY ME OF THE LANDS OF WILEY WILLIAMS, BILLY J. KIRKLEY, J. W. NALL, JR. AND RIME INVESTMENTS, A GENERAL PARTNERSHIP, ALL DOING BUSINESS AS BENT CREEK DEVELOPMENT COMPANY, IN THE INCORPORATED CITY LIMITS OF OPELIKA, LEE COUNTY, ALABAMA; THAT SAID PLAT CORRECTLY SHOWS THE RELATION OF SAID LAND SURVEYED AND SUBDIVIDED TO THE GOVERNMENT SURVEY; THAT IT ACCURATELY SHOWS THE BEARINGS AND LENGTHS OF THE BOUNDARIES OF EACH LOT AND ITS NUMBER AND THE BEARINGS, WIDTH AND NAMES OF THE STREETS AND ROADS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THIS THE 17TH DAY OF SEPTEMBER, 1976.
T. Richard Fuller
T. RICHARD FULLER, L.S. ALA. REG. NO. 7384

STATE OF ALABAMA
LEE COUNTY
I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF ALABAMA AT LARGE, HEREBY CERTIFY THAT T. RICHARD FULLER, WHOSE NAME IS SIGNED TO THE FOREGOING PLAT OF SURVEY, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT BEING INFORMED OF THE CONTENTS OF THE CERTIFICATE AND PLAT OF SURVEY, HE EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 17TH DAY OF SEPTEMBER, 1976.
Janet L. Meyer
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 30, 1980
STATE OF ALABAMA
LEE COUNTY
WILEY WILLIAMS, BILLY J. KIRKLEY, J. W. NALL, JR. AND RIME INVESTMENTS, A GENERAL PARTNERSHIP, THE OWNERS OF THE REAL PROPERTY SHOWN ON THIS PLAT, HEREBY JOIN IN THE STATEMENT OF T. RICHARD FULLER AND CERTIFY THAT IT WAS AND IT IS THEIR PURPOSE TO DIVIDE THE LANDS SO PLATTED INTO LOTS AS SHOWN.

IN WITNESS WHEREOF, BILLY J. KIRKLEY, J. W. NALL, JR. AND RIME INVESTMENTS, A GENERAL PARTNERSHIP HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED FOR THEM AND IN THEIR NAMES BY AND THROUGH WILEY WILLIAMS, AS THEIR DULY AUTHORIZED ATTORNEY-IN-FACT, AND WILEY WILLIAMS, INDIVIDUALLY, HAS EXECUTED THIS INSTRUMENT, ON THIS THE 17TH DAY OF SEPTEMBER, 1976.
Wiley Williams
WILEY WILLIAMS, AS ATTORNEY-IN-FACT FOR BILLY J. KIRKLEY, J. W. NALL, JR. AND RIME INVESTMENTS, A GENERAL PARTNERSHIP
Wiley Williams
WILEY WILLIAMS, INDIVIDUALLY

STATE OF ALABAMA
LEE COUNTY
I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF ALABAMA AT LARGE, HEREBY CERTIFY THAT WILEY WILLIAMS, WHOSE NAME AS ATTORNEY-IN-FACT FOR BILLY J. KIRKLEY, J. W. NALL, JR. AND RIME INVESTMENTS, A GENERAL PARTNERSHIP, IS SIGNED TO THE FOREGOING CERTIFICATE AND PLAT OF SURVEY, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE CERTIFICATE AND PLAT OF SURVEY, HE, IN HIS CAPACITY AS SUCH ATTORNEY-IN-FACT, EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 17TH DAY OF SEPTEMBER, 1976.
Janet L. Meyer
NOTARY PUBLIC

MY COMMISSION EXPIRES: April 30, 1980
STATE OF ALABAMA
LEE COUNTY
I, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF ALABAMA AT LARGE, HEREBY CERTIFY THAT WILEY WILLIAMS, WHOSE NAME IS SIGNED TO THE FOREGOING CERTIFICATE AND PLAT OF SURVEY, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, HE EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 17TH DAY OF SEPTEMBER, 1976.
Janet L. Meyer
NOTARY PUBLIC
MY COMMISSION EXPIRES: April 30, 1980
APPROVED BY OPELIKA PLANNING COMMISSION, OPELIKA, ALABAMA,
CHAIRMAN: _____ DATE: _____