

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

PETITION FOR VACATION OF SUBDIVISION

COMES NOW the Petitioner, Fitzgerald Associates, Inc., an Alabama Corporation, and shows unto the County Commission, Shelby County, Alabama, as follows:

1. Your Petitioner is the owner of a parcel of property known as "Country Club Estates", consisting of sixty-one (61) lots and the easements and roadways of said Country Club Estates, as shown on a map recorded in April 1965, in Map Book 5, Page 4, in the Probate Office of Shelby County, Alabama.

2. Said map was signed in 1965 by the then owner of the property, by the surveyor, and was approved in 1965 by the Chairman and the Secretary of the Montevallo Planning and Zoning Board.

3. It has been determined that said property is not in the jurisdiction of the City of Montevallo.

4. The present owner of the property has determined that the percolation tests as represented to have been made in 1965 and the rates of percolation as shown on each lot according to the recorded map, are not accurate and, that in fact, most of the lots will not meet percolation standards as required by the Shelby County Health Department.

5. Floyd Atkinson, the surveyor who prepared the map, is deceased, and the present owner has not been able to locate his records.

6. There are no streets and other improvements on the property that meet any standards of the present Subdivision Regulations of Shelby County, Alabama.

7. Your Petitioner can not sell, or develop any of the lots, and that do so so would be in violation of the Shelby County, Alabama Subdivision Regulations, and of the regulations and requirements of the Shelby County Health Department.

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WHEREFORE, your Petitioner prays that the Shelby County Commission will, after due consideration, pass a Resolution as hereinafter set out vacating the property of Country Club Estates as recorded in Map Book 5, Page 4, in order that the property will be returned to an acreage status.

R E S O L U T I O N

RESOLVED, that the Shelby County Commission orders that the subdivision known as "Country Club Estates", as recorded in Map Book 5, Page 4, in the Probate Office of Shelby County, Alabama, is hereby vacated, and that any and all interests in the roads and easements as shown on said map, are vacated.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1985 SEP 24 AM 9:07

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

FITZGERALD ASSOCIATES, INC.

By

John H. Brewer, Attorney

THOMAS A. SNOWDEN, JR., Chairman
Shelby County Commission

I, Myra B. Davis, Clerk for Shelby County Commission, certify this to be a true and exact copy of the Resolution adopted by Shelby County Commission on September 23, 1985.

Myra B. Davis, County Clerk/Asst. Admin.