

## **RESOLUTION NUMBER 6261-20**

### **A RESOLUTION APPROVING AND ASSENTING TO A DECLARATION OF VACATION**

#### **WITNESSETH THESE RECITALS:**

**WHEREAS**, a Declaration signed by Solmaz Oget and Harry Hardlin, the owner(s), of all the lands abutting the following described right-of-way situated in the City of Hoover, Shelby County, Alabama, vacating said easement and marked as "Exhibit A", has been duly presented to the City Council of the City of Hoover, Alabama, for assent and approval of said governing body; and

**WHEREAS**, said Declaration with map attached is marked as "Exhibit B", attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

**WHEREAS**, above-referenced right-of-way is more particularly described, as follows:

#### **Description of Vacation of Easement:**

An Easement to be vacated in Lot 63 Greystone 5th Sector Phase I as recorded in Map Book 17, on Page 72 A,B & C, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at an iron pin found accepted to be the Eastern most corner of said Lot 63; thence run Southwesterly along the Southeast line of said Lot 63 and also along the Northwest line of Lot 64 in said Greystone 5th Sector Phase I for a distance of 74.70 feet to a point; thence turn an angle to the right of 90° 00' 00" for a distance of 7.05 feet to the Point of Beginning; thence turn an angle to the left of 91° 13' 29" along the Northwest line of a 20 foot sanitary sewer easement for a distance of 41.10 feet to a point; thence turn an angle to the right of 66° 08' 50" for a distance of 55.76 feet to a point; thence turn an angle to the right of 132° 59' 29" for a distance of 83.46 feet to a point; thence turn an angle to the right of 103° 37' 15" for a distance of 28.10 feet to the Point of Beginning.

Said Easement containing 2187.6 Sq. Ft. more or less.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOOVER, ALABAMA, AS FOLLOWS:**


1. The vacation of the hereinabove described right-of-way is hereby vacated and annulled and all public rights and right-of-way herein are hereby divested pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975; and

2. A copy of the Final Plat for A Resurvey of Lot 63 Greystone 5<sup>th</sup> Sector, Phase 1 shall be recorded in the Shelby County Office of the Probate as approved by the Planning and Zoning Commission on May 11, 2020 contingent upon the adoption and approval of the vacation of easement by the City Council of the City of Hoover, Alabama.

**RESOLVED, DONE, ORDERED, APPROVED and ADOPTED**, on this the 1st day of June, 2020.


  
Gene Smith, Council President

APPROVED BY:

  
Frank V. Brocato, Mayor

ATTESTED BY:

  
Wendy Dickerson, City Clerk

  
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# EXHIBIT A



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STATE OF ALABAMA

SHELBY COUNTY

CITY OF HOOVER

**DECLARATION OF VACATION**

We, the undersigned, constituting all of the owners of all property abutting Lot 63 as same appears on the Plat of Graystone 5<sup>th</sup> Sec Ph. 1 which Plat is recorded in Plat Book 17, at Page 72B, in the Probate Office of Shelby County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said \_\_\_\_\_ as the same appears of record on the Plat to be vacated, and said \_\_\_\_\_ is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of \_\_\_\_\_ is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.
2. It is in the best public interest that \_\_\_\_\_ be closed and vacated.
3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.
4. \_\_\_\_\_ is situated in the City of \_\_\_\_\_, Hoover Shelby County, Alabama. A copy of the map reflecting the location of \_\_\_\_\_ is attached hereto and incorporated into this Declaration of Vacation as a part hereof.
5. Reasoning/Purpose for request to vacate:  
REDUCE DRAINAGE EASEMENT TO MATCH EXISTING WATER WAY
6. Type of Easement/Right-Of-Way to be vacated:  
DRAINAGE EASEMENT

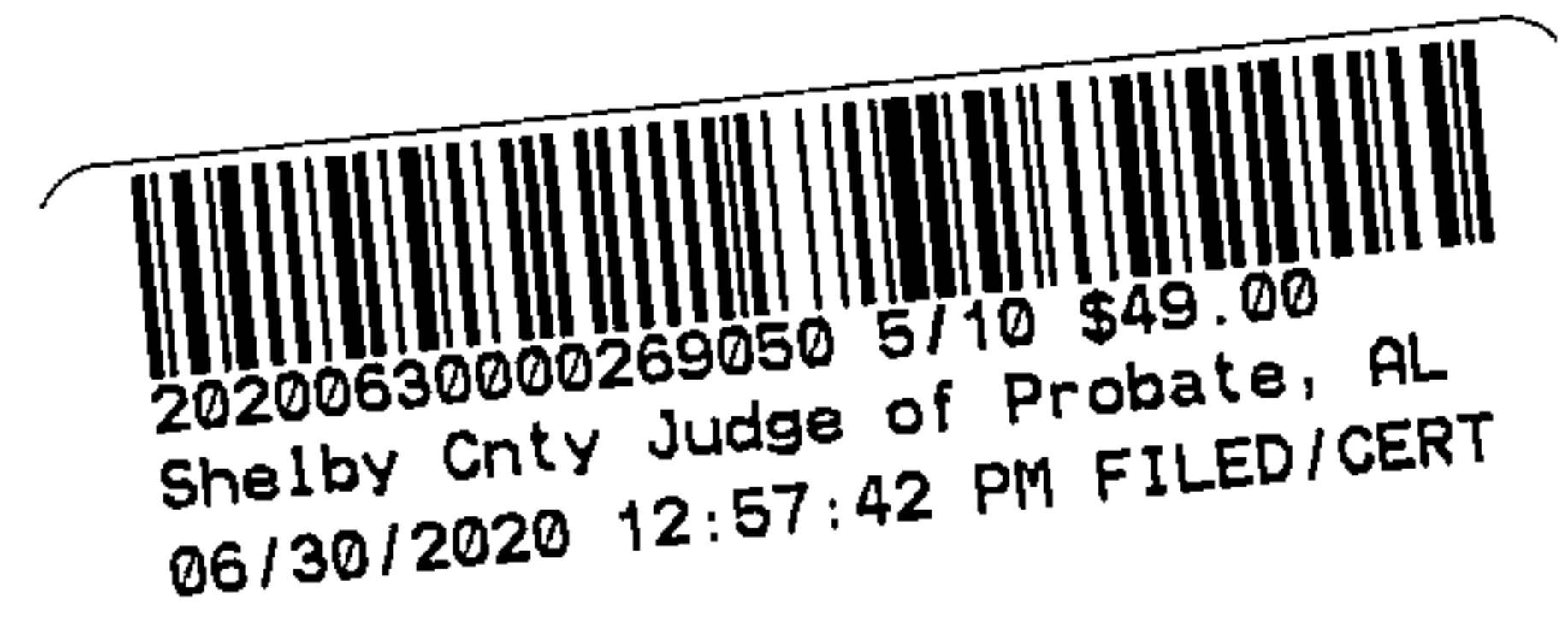


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An Easement to be vacated in Lot 63 Greystone 5<sup>th</sup>. Sector Phase I as recorded in Map Book 17, on Page 72 A,B & C, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at an iron pin found accepted to be the Eastern most corner of said Lot 63; thence run Southwesterly along the Southeast line of said Lot 63 and also along the Northwest line of Lot 64 in said Greystone 5<sup>th</sup>. Sector Phase I for a distance of 74.70 feet to a point; thence turn an angle to the right of 90° 00' 00" for a distance of 7.05 feet to the Point of Beginning; thence turn an angle to the left of 91° 13' 29" along the Northwest line of a 20 foot sanitary sewer easement for a distance of 41.10 feet to a point; thence turn an angle to the right of 66° 08' 50" for a distance of 55.76 feet to a point; thence turn an angle to the right of 132° 59' 29" for a distance of 83.46 feet to a point; thence turn an angle to the right of 103° 37' 15" for a distance of 28.10 feet to the Point of Beginning. Said Easement containing 2187.6 Sq. Ft. more or less.



7. The street address and legal descriptions of all property abutting 801 Royal Terrace  
and the names and addresses of the owner of said abutting properties are, as follows: LOT 63
- A. Street Address: 1028 GREYMOOR RD. BIRMINGHAM AL 35242  
Legal Description: LOT 62  
Owners' Name(s): SOLMAZ OGET
- B. Street Address: 805 ROYAL TERRACE BIRMINGHAM, AL  
Legal Description: LOT 64 35242  
Owners' Name(s): HARRY HARDIN
- C. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_
- D. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_
- E. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_
- F. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_
- G. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_
- H. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_




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8. All of the undersigned do hereby declare \_\_\_\_\_ to be  
vacated and respectfully request the assent of the City Council of the City of Hoover,  
Alabama, to said vacation of \_\_\_\_\_ and its approval of the same.

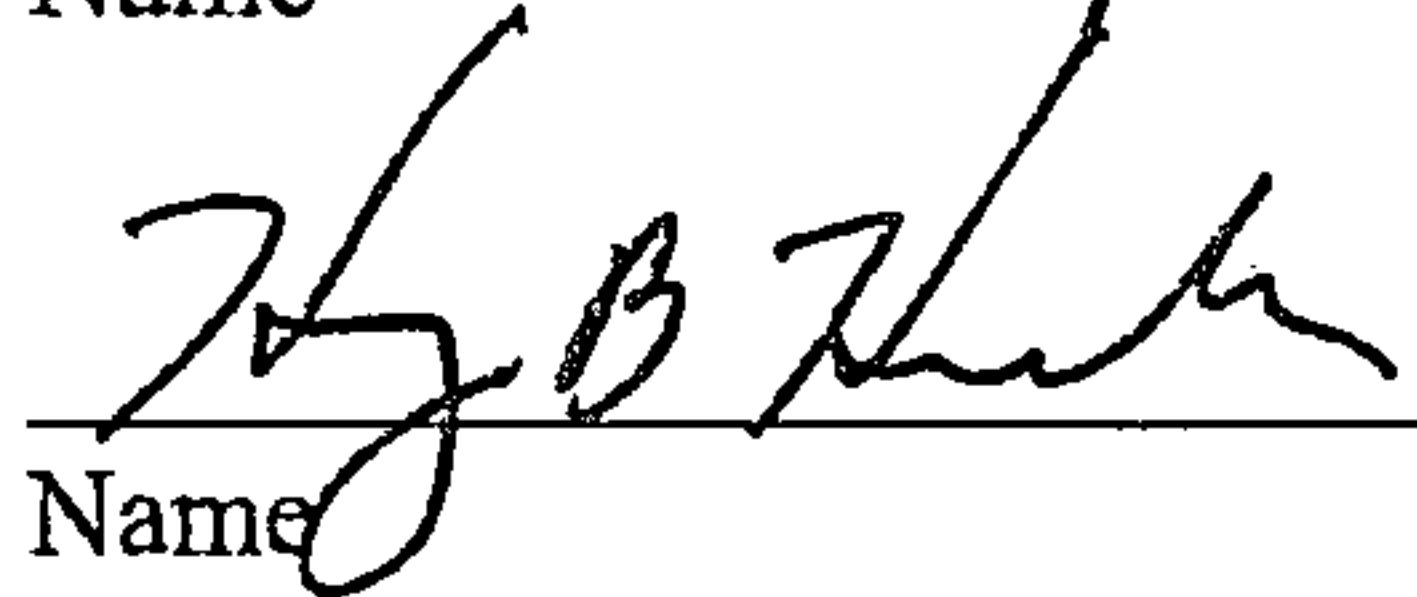
**IN WITNESS THEREOF**, the undersigned have hereunto set our hands and seals on:

**SIGNATURES OF ABUTTING PROPERTY OWNERS:**

*(notary on following pages)*

  
Name

3/17/2020  
Date

  
Name

3/17/2020  
Date

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STATE OF ALABAMA

Shelby COUNTY

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, does hereby certify that SOLMAZ OGET, whose name is signed to the foregoing Declaration of Vacation, and who is acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

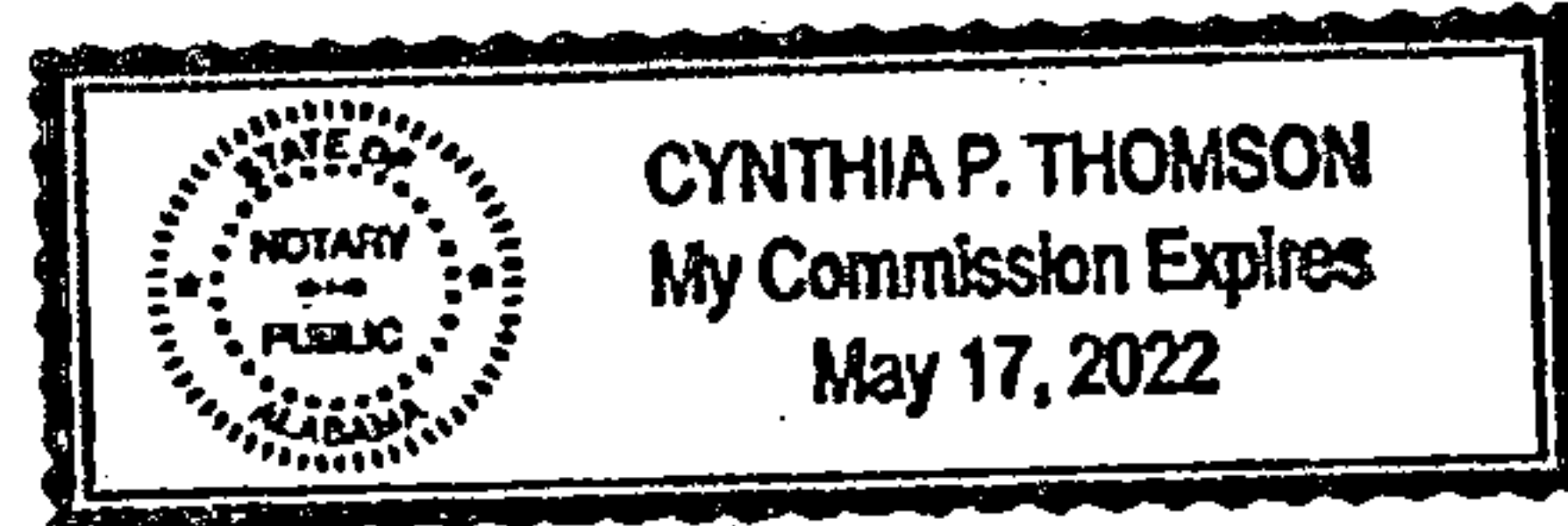
Given under my hand and official seal, this the 17 day of MARCH, 2020.

Cynthia P. Thompson  
Notary Public

STATE OF ALABAMA

Shelby COUNTY

**GENERAL ACKNOWLEDGMENT**



I, the undersigned authority, a Notary Public, does hereby certify that HARRY HINDLIN, whose name is signed to the foregoing Declaration of Vacation, and who is acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

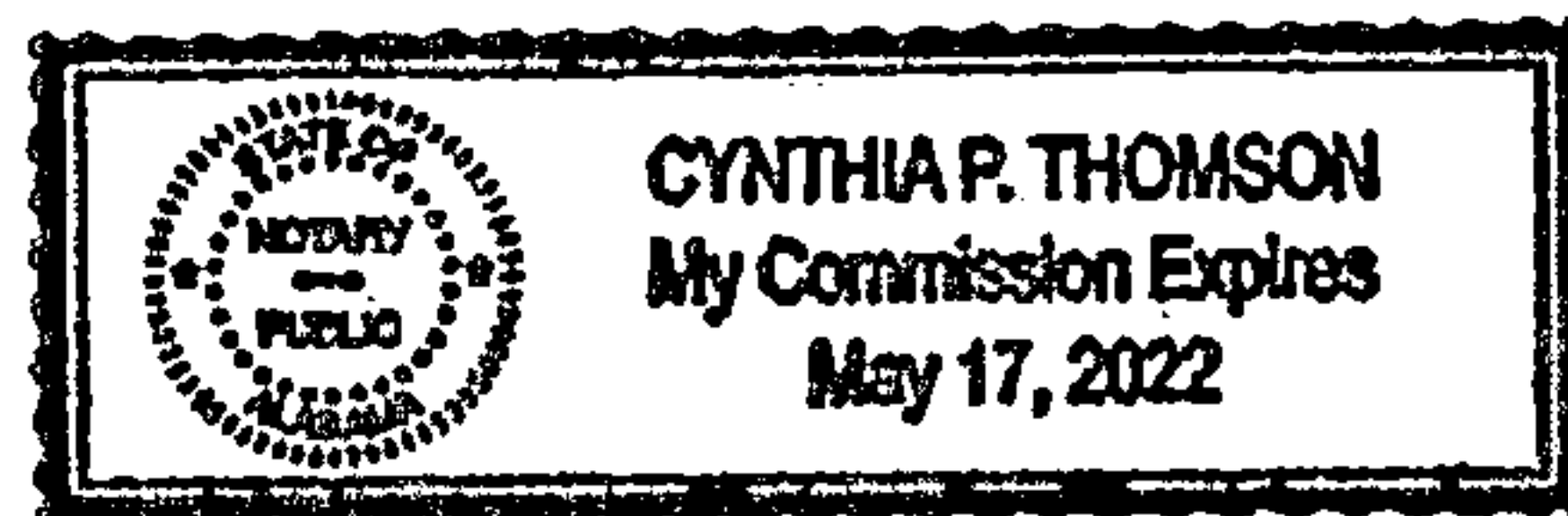
Given under my hand and official seal, this the 17 day of MARCH, 2020.

Cynthia P. Thompson  
Notary Public

STATE OF ALABAMA

\_\_\_\_\_ COUNTY

**GENERAL ACKNOWLEDGMENT**



I, the undersigned authority, a Notary Public, does hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Declaration of Vacation, and who is acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public



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# EXHIBIT B



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**EXHIBIT IV SUB E**

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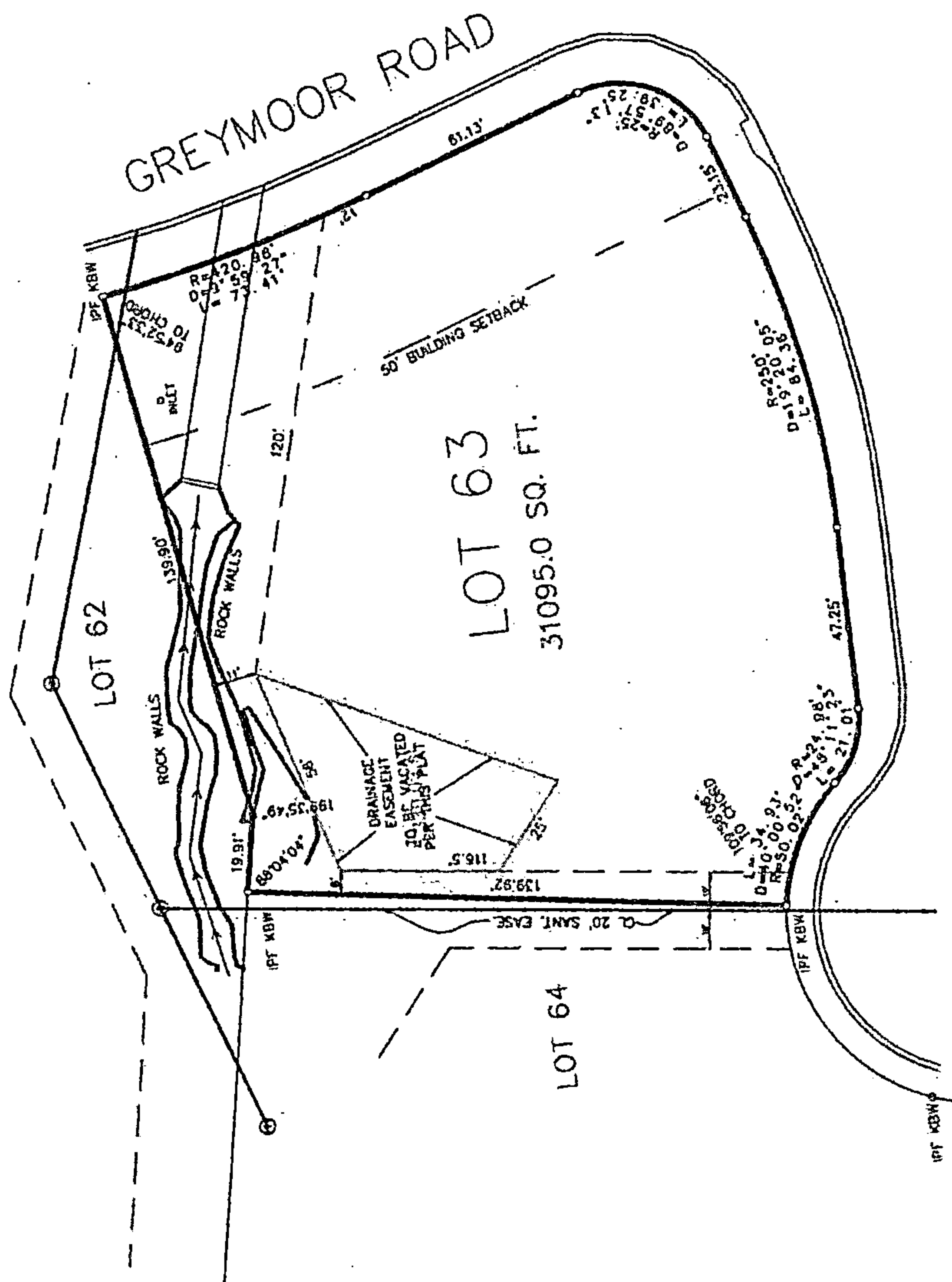
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RATE MAP  
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COUNTY OF

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