

1970

DECLARATION OF VACATION

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, desiring to vacate the hereinafter named street, road or highway, or portion thereof, hereinafter described, do hereby vacate, discontinue, abandon, and annul the following described street, road or highway, or portion thereof, described as, to-wit:

A part of the Old Birmingham-Montgomery dirt road situated in the SW¹/₄ of NE¹/₄ and SE¹/₄ of NW¹/₄, Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, being fifty feet wide, or twenty-five feet on each side of a centerline which is described as follows:

From the NW corner of said SW¹/₄ of NE¹/₄, run East along the North line of said ¹/₄ ¹/₄ Section for 519.0 feet to a point on the centerline of the Old Birmingham-Montgomery Highway for a point of beginning; thence turn an angle to the right of 132°-55' and run Southwesterly for 355.03 feet; thence turn an angle to the left of 8°-46' and run southwesterly for 251.86 feet; thence turn an angle to the left of 12°-19' and run Southwesterly for 403.33 feet, more or less, to a point on the North line of a 30 foot road right of way.

All of the aforesaid land situated in Shelby County, Alabama.

That the undersigned PEARL WELLBORN, UNITED STATES PIPE & FOUNDRY COMPANY, a Corporation; J. W. NALL and wife, NANCY NALL; W. D. UPTON and wife, ANN UPTON; BISHOP CREEK PARK, INC., a Corporation; DUNCAN & GILLIAM CONSTRUCTION COMPANY, INC., are all of the owners of the lands abutting the above described street, road or highway, or portion thereof to be vacated, and that they do hereby consent, agree, and declare that the above said street, road or highway, or portion thereof described above, be vacated, discontinued, abandoned, and annulled, so as to destroy the full force and effect of any dedication by map, plat, or otherwise, and to divest any and all rights of the public, including any rights which may have been acquired by prescription or otherwise, in that portion of said street, road or highway hereby vacated; we do further certify, state and declare that the above described street, road or highway, or portion thereof, to be vacated does not lie within the limits of any municipality, and that said street, road or highway, or portion thereof, to be vacated has not been used, nor is the same being used as a street, road or highway, but on the contrary, has not been opened for use by the public or for use by any other person, firm or corporation for many years.

Given under our hands and seals this the 21 day of March, 1970.

Pearl Wellborn
(Pearl Wellborn)

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UNITED STATES PIPE & FOUNDRY COMPANY,
a Corporation

By B. F. Harrison
Senior Vice-President

J. W. Nall
(J. W. Nall)

Nancy Nall
(Nancy Nall)

W. D. Upton
(W. D. Upton)

Ann Upton
(Ann Upton)

BISHOP CREEK PARK, INC., a Corporation

By W. D. Upton
President

DUNCAN & GILLIAM CONSTRUCTION COMPANY, INC.

By Paul H. Gilliam, Jr.
President

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that PEARL WELLBORN, whose name 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 this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 21 day of March, 1970.

Robert K. Fleming
Notary Public

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that B. F. Harrison whose name as Senior Vice President of UNITED STATES PIPE & FOUNDRY COMPANY, a Corporation, 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand this 23rd day of March, 1970.

James B. Turner
Notary Public

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STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that J. W. NALL and wife, NANCY NALL, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this 21 day of March, 1970.

Robert K. Fleming
Notary Public

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that W. D. UPTON and wife, ANN UPTON, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this 21 day of March, 1970.

Robert K. Fleming
Notary Public

Jeff
STATE OF ALABAMA)
COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that W. D. Upton whose name as _____ President of BISHOP CREEK PARK, INC., a Corporation, 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand this 21 day of March, 1970.

Robert K. Fleming
Notary Public

Jeff
STATE OF ALABAMA)
COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Paul W. Sullivan whose name as _____ President of DUNCAN & GILLIAM CONSTRUCTION COMPANY, INC., a Corporation, 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 27 day of March, 1970.

Robert K. Fleming
Notary Public

EXCERPTS FROM THE MINUTES OF A MEETING OF THE BOARD OF REVENUE
AND CONTROL OF SHELBY COUNTY, ALABAMA

continuance of the
A/regular meeting of the Board of Revenue & Control of Shelby
County, Alabama, was held at the County Courthouse in Columbiana, Alabama
on the 30th day of March, 1970 at 9:00 o'clock A.M., the usual place
and date for holding said meetings. Upon roll call the Chairman declared a
quorum present and the meeting open for the transaction of business.

Thereupon, AITON PARKER, a member of said Board read in
full and introduced the following Resolutions:

"BE IT RESOLVED BY THE BOARD OF REVENUE & CONTROL OF SHELBY
COUNTY, ALABAMA, AS FOLLOWS:

WHEREAS, PEARL WELLEORN, UNITED STATES PIPE & FOUNDRY
COMPANY, a Corporation; J. W. NALL and wife, NANCY NALL;
W. D. UPTON and wife, ANN UPTON; BISHOP CREEK PARK, INC.,
a Corporation; DUNCAN & GILLIAM CONSTRUCTION COMPANY, INC.,
hereinafter referred to as "petitioners" are the owners of
all of the land abutting on a street, road or highway, or
portion thereof, situated in Shelby County, Alabama, which
is more particularly described on Declaration of Vacation
which is attached to this Resolution as Exhibit "A" and made
a part hereof, and

WHEREAS, said petitioners, as owners of said abutting land
have executed a Declaration of Vacation, vacating that certain
street, road or highway or portion thereof, as described on said
Exhibit "A" attached hereto, and desiring to divest any and all
right which the public or any other person, firm, or corporation
may have in and to that portion of said street, road or highway
or portion thereof, to be vacated, and to the use thereof by
virtue of the establishment of the same, and

WHEREAS, the Board of Revenue & Control of Shelby County,
Alabama, finds that a convenient means of ingress and egress
is afforded to all of the property owners of the area in which
said street, road or highway, or portion thereof to be vacated
is situated, by the remaining streets, alleys, avenues, or
roadways therein located:

NOW, THEREFORE, BE IT RESOLVED by the Board of Revenue &
Control of Shelby County, Alabama, that the vacation of the
street, road or highway, or portion thereof, so described on
Exhibit "A" attached hereto is hereby assented to, acquiesced
in and authorized by the Board of Revenue & Control of Shelby
County, Alabama."

Thereupon, J. E. Bearden, a member of said Board
seconded said Resolution and after a thorough discussion, AITON PARKER,
a member of said Board moved that all rules and regulations which, unless suspended
would otherwise prevent the immediate consideration and adoption of said
Resolution, be suspended. Said Resolution was seconded by J. E. Bearden.

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a member of said Board, and upon roll call, the following vote was recorded:

AYES:

NAYS

AITON PARKER

None

J. E. Bearden

Hoyt Blacklock

E. C. Wooten

Thereupon, the Chairman declared said Resolution unanimously adopted and all rules and regulations suspended which would prevent the immediate consideration and adoption of said Resolution. Upon a roll call vote, the original Resolution was unanimously adopted and passed and so declared by the Chairman.

MINUTES APPROVED:

Conrad M. Fowler
Chairman

ATTEST:

Mary Niven
Clerk

CERTIFICATE

I, the undersigned, Conrad M. Fowler, Chairman of the Board of Revenue and Control of Shelby County, Alabama, do hereby certify that the above and foregoing Resolution was duly introduced, adopted and passed by the Board of Revenue & Control of Shelby County, Alabama in regular session first given above, and that no action has been taken by said Board of Revenue and Control of Shelby County, Alabama to modify, rescind, or otherwise revoke and hold apart any portion thereof.

Dated this the 30th day of March, 1970.

Conrad M. Fowler
Chairman

ATTEST:

Mary Niven
Clerk

SHelBY COUNTY ALABAMA
CLERK OF THE BOARD OF REVENUE AND CONTROL
1970 APR -2 PM 3:53
ASSIGNMENT WAS FILED

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