

STATE OF ALABAMA)
SHELBY COUNTY)

PETITION

Come now 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., hereinafter referred to as "petitioners", and respectfully represent and show unto the Board of Revenue & Control of Shelby County, Alabama, as follows:

That petitioners are the owners of all of the land abutting that certain street, road or highway, or portion thereof, described on Exhibit "A" attached hereto and made a part hereof; that petitioners desire to vacate said street, road or highway, or portion thereof, described on said Exhibit "A"; that said street, road or highway has not been opened for use by the public or for use by any other person, firm or corporation for many years ; that said portion of said street, road or highway desired to be vacated is of no use to the public; that said street, or road or highway, or portion thereof, to be vacated is not located in the limits of any municipality.

Wherefore, petitioners pray unto the Board of Revenue & Control of Shelby County, Alabama, as follows: That a Resolution be adopted by the Board of Revenue & Control of Shelby County, Alabama, assenting to the vacation of that certain street, road or highway, or portion thereof, described on Exhibit "A" attached hereto as above stated, which lies in Shelby County, Alabama; that a certified copy of said Resolution be furnished to petitioners to be attached to, filed and recorded with, the Declaration of Vacation as provided by Title 56, Section 32, Code of Alabama, 1940 (Recomp.1958) as amended).

WITNESS our hands and signatures on this the 21 day of March, 1970.

Pearl Wellborn
(Pearl Wellborn)

UNITED STATES PIPE & FOUNDRY COMPANY,
a Corporation

By B. F. Harrison
President

J. W. Nall Jr.
(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 Dr. Harrison 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 the 23rd day of March, 1970.

James B. Turner
Notary Public

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

STATE OF ALABAMA)
Jeff COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that W. D. Upton whose name as VP 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

STATE OF ALABAMA)
Jeff COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Paul H. Gilliam whose name as VP 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

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 SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$, 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 SW $\frac{1}{4}$ of NE $\frac{1}{4}$, run East along the North line of said $\frac{1}{4}$ $\frac{1}{4}$ 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
Sr. Vice President

J. W. Nail
(J. W. Nail)

Nancy Nail
(Nancy Nail)

W. M. Upton
(W. M. Upton)

Ann Upton
(Ann Upton)

BISHOP CREEK PARK, INC., a Corporation

By W. M. 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 Sr. 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.

Julia B. Garner
Notary Public

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that J. W. MALL and wife, NANCY MALL, 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

STATE OF ALABAMA)
SHELBY 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

STATE OF ALABAMA)
SHELBY 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