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Shelby Cnty Judge of Probate, AL
11/18/1971 12:00:00 AM FILED/CERT

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PETITION AND WRITTEN DECLARATION OF VACATION OF ALLIES AND
A PORTION OF CERTAIN STREETS AND AVENUES

STATE OF ALABAMA)

SHELBY COUNTY)

WHEREAS, there is an unrecorded map of the Town of Calera, Alabama, made by J. H. Dunstan of said Town of Calera, Alabama, and

WHEREAS, Jack P. Comer and wife, Sarah K. Comer, are the owners of that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 22 South, Range 2 West, Shelby County, Alabama, situated North of the Southern Railroad right-of-way, containing 27.5 acres, more or less, which said land is abutting certain allies and portions of certain streets and avenues, hereinafter described, as shown by said survey, which are sought to be vacated, and

WHEREAS, we Jack P. Comer and wife, Sarah K. Comer, desire to and do now declare the following described allies and portions of certain streets and avenues, as shown by said survey, which abut our said land, to be vacated, said allies and portions of said streets and avenues hereby declared vacated being described as follows:

That part or portion of Second Street and Third Street, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which lie North of the Southern Railroad right-of-way and South of Seventh Avenue, according to said map. Situated in the Town of Calera, Alabama.

That part or portion of Eighth Avenue and Ninth Avenue, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which lie West of First Street and East of Fourth Street, according to said map. Situated in the Town of Calera, Alabama.

All of the allies, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which cross, touch, or lie within Blocks 120, 121, 122, 123, 124 and 125, according to said map. Situated in the Town of Calera, Alabama.

Petitioners further certify that none of the allies or portions of said streets and avenues hereinabove described and declared vacated have ever been opened nor are they opened at the present time nor have they ever been used as a public road or right-of-way and this vacation will not in any manner deprive other property owners adjoining or abutting that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 22 South, Range 2 West, Shelby County, Alabama, situated North of the Southern Railroad right-of-way, containing 27.5 acres, more or less, of convenient and reasonable means of ingress and egress to and from their property, and

WHEREAS, said property owned by us and said allies and portions of said streets and avenues hereby declared vacated lie/within the corporate limits of the Town of Calera, Alabama;

WHEREFORE, petitioners do pray that the Mayor and Town Council of the

Town of Calera shall give their assent to such vacation and declare the above described allies and portions of streets and avenues vacated and to divest all public rights thereto, the said assent to be evidenced by a Resolution duly passed by the said Mayor and Town Council of the Town of Calera, Alabama.

Dated and executed this 6 day of November, 1971.

Jack P. Comer
Jack P. Comer
Sarah K. Comer
Sarah K. Comer


STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned a Notary Public in and for said County, in said State, hereby certify that Jack. P. Comer and wife, Sarah K. Comer, whose names are signed to the foregoing petition and who are known to me, acknowledged before me on this day that, being informed of the contents of the petition, they executed the same voluntarily on the day the same bears date.

Given under my hand this 6 day of November, 1971.

Harold L. Thibault
Notary Public


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EXCERPTS FROM MINUTES OF THE TOWN COUNCIL
OF
CALERA, ALABAMA
HELD November 16, 1971

The Town Council of the Town of Calera, Alabama, convened at the Town Hall in the Town of Calera, Alabama, at 7:30pm o'clock on the 16th day of November, 1971, the regular time and place of meeting of said Town Council. The meeting was called to order by Mayor, Arthur D. Davis. On roll call, the following answered present:

Arthur D. Davis
Steve Cowart
Jack Martin
W. B. Watts, Jr.
Carl H. Edwards
J. L. Hill

The following were absent:
None

The Mayor announced that quorum of the members of the Town Council were present and the meeting open for the transaction of business. The Minutes of the last meeting of the Town Council were read and approved as read.

The following Resolution and order was introduced by Councilman Jack Martin, read in full and considered and discussed by the Town Council:

RESOLUTION

WHEREAS, Jack P. Comer and wife, Sarah K. Comer have filed a Petition and Written Declaration of Vacation of allies and a portion of a certain steets and avenues, shown by the unrecorded map of J. H. Dunstan of the Town of Calera, Alabama, which abut property owned by the said Jack P. Comer and wife, Sarah K. Comer, requesting the Mayor and Town Council to give their assent for the vacation of said allies and portions of said streets and avenues in the Town of Calera, Alabama, and declare the same vacated and to divest all public rights thereto, and

WHEREAS, the Mayor and Town Council have determined and found that the said Jack P. Comer and wife, Sarah K. Comer, are the sole owners of the land abutting that portion of the allies, streets and avenues sought to be vacated by said Petition and the Mayor and Town Council desire to give their assent for such vacation;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CALERA, ALABAMA, AS FOLLOWS:

That the Mayor and Town Council do hereby give their assent for the vacation of the following described allies and portions of certain streets and avenues, as shown of the unrecorded map of J. H. Dunstan of the Town of Calera, Alabama, and do hereby declare the same vacated and do hereby divest all public rights thereto, to-wit:



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That part or portion of Second Street and Third Street, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which lie North of the Southern Railroad right-of-way and South of Seventh Avenue, according to said map. Situated in the Town of Calera, Alabama.

That part or portion of Eighth Avenue and Ninth Avenue, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which lie West of First Street and East of Fourth Street, according to said map. Situated in the Town of Calera, Alabama.

All of the allies, according to J. H. Dunstan's unrecorded map of the Town of Calera, Alabama, which cross, touch, or lie within Blocks 120, 121, 122, 123, 124 and 125, according to said map. Situated in the Town of Calera, Alabama.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Town Clerk be filed and recored in the Probate Office of Shelby County, Alabama, together with the original of the owner's Petition and Written Declaration of Vacation of the hereinabove described allies, streets and avenues.

Said Resolution was read at length and thereupon Councilman

Steve Cowart moved that unanimous consent of the Mayor and Council be given for the immediate consideration and action upon said Resolution, which motion was seconded by Councilman J. L. Hill.

Said motion for unanimous consent was submitted to a vote of the Mayor and Council and said vote resulted as follows:

<u>AYES</u>	<u>NAYS</u>
Arthur D. Davis	W. B. Watts, Jr.
Steve Cowart	Carl H. Edwards
Jack Martin	J. L. Hill

Thereupon, the Mayor in open council declared said motion

carried and unanimous consent given for the immediate consideration of and action upon said Resolution.

Councilman Carl H. Edwards moved that said Resolution be adopted, which motion was seconded by Councilman W. B. Watts, Jr.. Said motion for the adoption of said Resolution was submitted to a vote of the Mayor and Council and said vote resulted as follows:

<u>AYES</u>	<u>NAYS</u>
Arthur D. Davis	W. B. Watts, Jr.
Steve Cowart	Carl H. Edwards
Jack Martin	J. L. Hill

Threupon, the Mayor in open Council declared said motion carried and said Resolution adopted.

I, Janet Roberson, Town Clerk of the Town of Calera, Alabama, hereby certify that the above is a true and correct copy of a Resolution passed by the Mayor and Town Council at a regular meeting on the 16th day of November, 1971.

Janet Roberson
Town Clerk

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STATE OF ALA. SHELBY CO.
RECORDS & CLERK
1971 NOV 18 PM 1:54
INSTRUMENT WAS FILED
U.C. FILED
REC. EX. & P. FILED
Clerk of Probate
Shelby County, Alabama