

274

PETITION FOR AND DECLARATION OF VACATION
OF A PORTION OF A RIGHT-OF-WAY
DEDICATED FOR PUBLIC PURPOSES

KNOW ALL MEN BY THESE PRESENTS THAT: Whereas the undersigned parties are owners of all the property abutting, or touching that portion of a right-of-way, hereinafter described, dedicated for public purposes, and as such owners are desirous of vacating all said portion of the right-of-way hereinafter described, as provided by the Statutes of Alabama, particularly Sections 35-2-53, 35-2-54, 35-2-55 and 23-4-20, Code of Alabama, 1975,

NOW, THEREFORE, the undersigned parties, being the owners of all the lands abutting on that portion of a Right-of-Way just North of the Intersection of Shelby County Road 29 and Alabama Highway 119, between Shelby County Road 378 and Caldwell Mill Lane, to-wit:

BOOK 323 PAGE 774

Beginning at the southernmost corner of Lot 1 (commerical lot), of a Resurvey of Lots 1, 2, and 3, Old Mill Trace as recorded in the office of the Judge of Probate Shelby County, Alabama, in Map Book 7, Page 147, thence run in a northeasterly direction along the southeast line of said Lot 1 for a distance of 294.80 feet, thence turn an angle to the right of 176°02' and run in a southwesterly direction for a distance of 75.84 feet, thence turn an angle to the left of 12°07' and run in a southwesterly direction for a distance of 150.58 feet, thence turn an angle to the right of 48°20' and run in a southwesterly direction for a distance of 88.04 feet, more or less, to the point of beginning, containing 0.13 acres, more or less.

do hereby consent, agree and declare the above said property vacated, discontinued, abandoned, closed and annulled, and all public rights and easements therein divested of the property, so as to destroy the force and effect of any dedication of said street to the public and to divest any and all rights of the public, including any rights which may have been acquired by prescription or otherwise in said property hereby vacated, subject, however, to all existing right-of-ways or easements for public utilities and to all utility facilities presently situated in said area vacated subject to this provision.

The undersigned owners further declare that after vacation of the said portion of the right-of-way located as above described, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced in said map, plat, or survey by the remaining streets, avenues, highways, right-of-ways, or portions thereof, dedicated by said map, plat, or survey.

The undersigned owners further petition that a Resolution be adopted by the County Commission of Shelby County, Alabama,

19791210000159680 1/2 \$.00
Shelby Cnty Judge of Probate, AL
12/10/1979 12:00:00AM FILED/CERT

Dingey, Barbara
Rt. 1, Box 307
Helena, Ala. 35080

assenting to the vacation of the above described property, that a copy of said Resolution be certified by the President of said County Commission, attached to, filed and recorded with this Declaration of Vacation, in the office of the Judge of Probate, Shelby County, Alabama.

IN TESTIMONY AND WITNESS WHEREOF, the parties hereunto have signed and affixed their hands and seals to this Declaration of Vacation on this the 7 day of November, 1979.

Signed: CAHABA COMPANY, a general partnership, Petitioner .

BY B. J. Harris
B. J. Harris, a general partner

BY Denney E. Barrow
Denney E. Barrow, a general partner

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public, in and for said County and State hereby certify that B. J. Harris, whose name is signed to the foregoing Declaration of Vacation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Declaration of Vacation, he, as a general partner of the Cahaba Company, an Alabama General Partnership, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7 day of November, 1979.

Steph Wright Still
Notary Public

My Commission expires:

February 21, 1983

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public, in and for said County and State hereby certify that Denney E. Barrow, whose name is signed to the foregoing Declaration of Vacation and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Declaration of Vacation, he, as a general partner of the Cahaba Company, and Alabama General Partnership, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 7 day of November, 1979.

Steph Wright Still
Notary Public

My Commission expires:

February 21, 1983

19791210000159680 2/2 \$.00
Shelby Cnty Judge of Probate, AL
12/10/1979 12:00:00AM FILED/CERT