

STATE OF ALABAMA )  
SHELBY COUNTY )

1151

**VACATION AND TERMINATION OF RIGHT-OF-WAY**

THIS AGREEMENT, made this 15<sup>th</sup> day of July, 1991, by and between MELTON E. DEARING and wife, NATHALIE DEARING (hereinafter collectively referred to as "Dearing"), and WILLIAM LARRY CLAYTON and wife, CATHY G. CLAYTON, and DELTON LANE CLAYTON (hereinafter collectively referred to as "Clayton").

**W I T N E S S E T H:**

**WHEREAS:**

(a) Attached hereto as Exhibit "A" is a section of the current tax map for Shelby County, Alabama covering a portion of the Northeast quarter of the Northeast quarter of Section 22, Township 20 South, Range 3 West, Shelby County, Alabama (Exhibit "A" being referred to herein as the "Tax Map").

(b) For purposes of this instrument, the Tax Map has been marked to reflect the current ownership of the subject property by Dearing and Clayton.

(c) Cross-hatched on the Tax Map is a portion of an unrecorded 40' right-of-way designated on the Tax Map as "Henckell Drive" (the "Roadway").

(d) Clayton is the owner of all the real property currently served by the Roadway as cross-hatched on the Tax Map.

(e) A thorough examination of the public records reveals that (i) the Roadway has never been dedicated and accepted by Shelby County, Alabama (or any other governmental entity or municipality) and, therefore, the Roadway does not constitute a public road or public right-of-way, and (ii) there is no instrument of record which establishes the Roadway as a public right-of-way or private easement.

(f) Dearing and Clayton, as the only property owners having any legal or equitable interest in the Roadway, desire to vacate and terminate all right or interest of the public in and to the Roadway, if any such right or interest should exist.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. **VACATION AND TERMINATION** : Dearing and Clayton hereby vacate, release, terminate and extinguish all right and interest of the public, to the extent any such right and interest should exist,

BOOK 354 PAGE 56  
Cahala Title

in and to the Roadway as cross-hatched on the Tax Map attached hereto as Exhibit "A."

2. CONTINUATION OF RIGHTS-OF-WAY AND EASEMENTS. The parties hereby acknowledge that only that portion of the Roadway as cross-hatched on the Tax Map is hereby vacated and terminated, and no other rights-of-way or easements of record are affected by this Agreement and all such other rights-of-way or easements of record remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 15<sup>th</sup> day of July, 1991.

Melton E. Dearing  
MELTON E. DEARING

Nathalie A. Dearing  
NATHALIE DEARING

William Larry Clayton  
WILLIAM LARRY CLAYTON

Cathy G. Clayton  
CATHY G. CLAYTON

Delton Lane Clayton  
DELTON LANE CLAYTON

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STATE OF ALABAMA )

Suwan COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MELTON E. DEARING, 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 the foregoing instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of July, 1991.

David J. Selman

Notary Public

My Commission Expires: 8-6-92

STATE OF ALABAMA )

Telford COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that NATHALIE DEARING, 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 the foregoing instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of July, 1991.

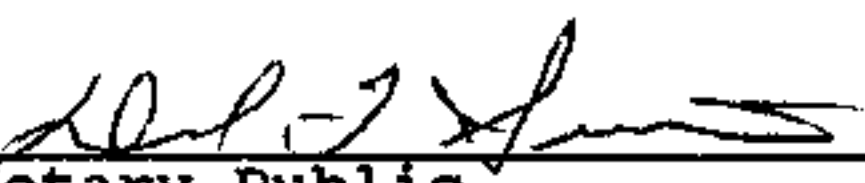
  
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Notary Public  
My Commission Expires: 8-6-92

STATE OF ALABAMA )

Telford COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that WILLIAM LARRY CLAYTON, 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 the foregoing instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of July, 1991.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 8-6-92

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STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CATHY G. CLAYTON, 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 the foregoing instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of July, 1991.

Don J. Smith

Notary Public

My Commission Expires: 8-6-92

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that DELTON LANE CLAYTON, 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 the foregoing instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 15<sup>th</sup> day of July, 1991.

Don J. Smith

Notary Public

My Commission Expires: 8-6-92

BOOK 354 PAGE 59

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1. *Journal of the American Medical Association*, 1997; 277: 1033-1037.

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