

STATE OF ALABAMA )  
SHELBY COUNTY )

**PETITION FOR VACATION OF STREET**

The undersigned, Metrock Steel & Wire Company, Inc., being the sole owner of all of the land abutting that certain Mimosa Street described in the vacation of public road attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, pursuant to a resolution duly adopted by the directors of the undersigned (see Exhibit "B"), does hereby petition the Helena City Council to ratify and confirm said vacation of public road and to declare said road, or a portion thereof described on Exhibit "A" attached hereto to be vacated and the undersigned does hereby further represent and show unto the Court that said road, or portion thereof is located within the confines of the city limits of Helena, and that convenient and reasonable means of ingress and egress to and from the property has been afforded to all other property owners owning property in the tract of land embraced in said map or plat as recorded in Map Book 4, Page 25, in the Probate Records of Shelby County, Alabama. Your petitioner further shows that said road or portion thereof described on Exhibit "A" which is requested to be vacated, was never constructed and is not used for ingress or egress by any persons, firms or corporations of the present time.

WHEREFORE, PREMISES CONSIDERED, your petitioner prays that the Helena City Council will, by resolution, declare said road described on Exhibit "A" to be vacated.

IN WITNESS HEREOF, the undersigned, does hereby cause its duly appointed officer to set his hand and seal on this the 28<sup>th</sup> day of July, 1994.

ATTEST:

By: Linda H. Peacock  
Its: Acting Secretary

METROCK STEEL & WIRE COMPANY, INC.

BY: [Signature]  
Its: President

Inst # 1994-30180

10/04/1994-30180  
10:45 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
009 HED 28.50

Linda Peacock  
Gordon Silberman

07.28.1994 1415

Inst # 1994-30180

FROM

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that John M. Metrock, whose name as President of Metrock Steel & Wire Company, Inc., an Alabama 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Nelda L. Hunt  
Notary Public  
My commission expires: 12-29-97

STATE OF ALABAMA )

SHELBY COUNTY )

I, Nelda L. Hunt, as Notary, for said County, in said State, hereby attest that John Metrock, whose name as President of Metrock Steel & Wire Company, Inc., 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 said instrument, he executed the same voluntarily for and as the act of said corporation.

Given under my hand this 28th day of July, 1994.

Nelda L. Hunt

EXHIBIT "A"

STATE OF ALABAMA

SHELBY COUNTY

VACATION OF PUBLIC STREET

The undersigned, Metrock Steel & Wire Company, Inc., being the sole owner of all the land abutting Mimosa Street, as recorded in Map Book 7, Page 25, in the Probate Records of Shelby County, Alabama, as described on Exhibit "C" attached hereto and made part and parcel hereof as fully as if set out herein, does hereby execute this instrument declaring said Mimosa Street to be vacated so as to destroy the force and effect of the dedication of said portion of said road by said map recorded in Map Book 4, Page 25 in said Probate Records, as so as to divest all public rights including any rights which may have been acquired by prescription or dedication, in and to said Oak Street.

Such vacation of said Mimosa Street shall and will not deprive other property owners of such right as they may have to convenient and reasonable means of ingress and egress to and from their property, such right being afforded by the remaining streets and alleys.

IN WITNESS WHEREOF, I the undersigned do hereby set my hand and seal on this the 20<sup>th</sup> day

of July 1994.

ATTEST:

By: Linda A. Knoch  
Its: Secretary

METROCK STEEL & WIRE COMPANY, INC.

By: [Signature]  
Its: President

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that John M. Metrock, whose name as President of Metrock Steel & Wire Company, Inc., an Alabama 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Nelda L. Hunt  
Notary Public  
My commission expires: 12-29-97

STATE OF ALABAMA  
SHELBY COUNTY

I, Nelda L. Hunt, as Notary for said County, in said State, hereby attest that John M. Metrock whose name as President of Metrock Steel & Wire Company, Inc., 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 said instrument, he executed the same voluntarily for and as the act of said corporation.

Given under my hand this 28th day of July, 1994.

Nelda L. Hunt



**EXHIBIT "B"**

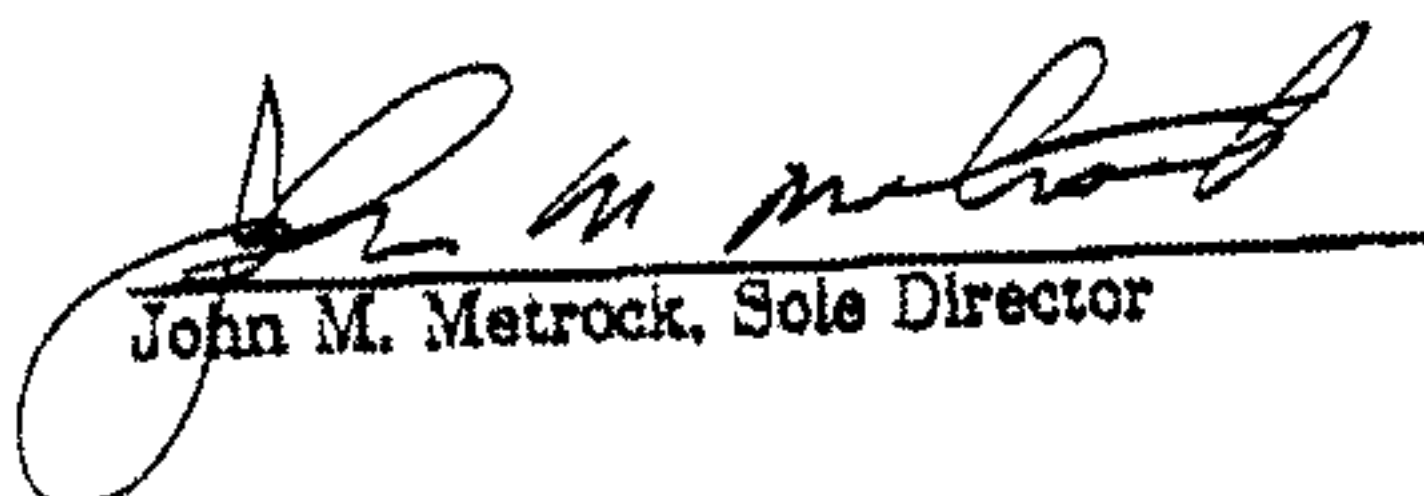
**CONSENT ACTION OF THE  
BOARD OF DIRECTORS OF  
METROCK STEEL & WIRE COMPANY, INC.**

I, the undersigned, constituting the sole Member of the Board of Directors of Metrock Steel & Wire Company, Inc. (the "Corporation"), pursuant to Section 10-2A-88 of the Code of Alabama, do hereby unanimously consent to and approve of the following actions by the Corporation, without a meeting:

**RESOLVED:** That the Director of the Corporation has determined that it is in the best interests of the Corporation that that certain Mimosa Street, in the vicinity of the Corporation's real estate located in Helena, Alabama, be vacated.

**RESOLVED:** That the Officers of the Corporation are hereby authorized and directed to take whatever legal steps are necessary and to execute any and all legal documents necessary to effectuate such vacation.

Executed this 28<sup>th</sup> day of July, 1994.

  
John M. Metrock, Sole Director

**EXHIBIT "C"**

Mimosa Street located in the City of Helena, Alabama, and more particularly described as follows:

Commence at a point where the Southern terminus of Mimosa Street intersects the Northern boundary of Elm Street in the City of Helena, Alabama and proceed thence in a Northerly direction to a point where Mimosa Street intersects Railroad Avenue in the City of Helena.

Said road or street has never been constructed and is not used for ingress or egress by any persons, firms or corporations at the present time.

STATE OF ALABAMA

SHELBY COUNTY

**MINUTES FOR PASSAGE OF RESOLUTION OF PERMANENT OPERATION**

The following Resolution of Permanent Operation, as follows:

"WHEREAS, Mimosa Street, as described in the vacation of public road attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, has heretofore been dedicated as a public road, and

WHEREAS, said street described on Exhibit "A" attached hereto is located within the city limits of Helena, Alabama, and

WHEREAS, the sole owner of all of the land abutting said street which is sought to be vacated has executed the written instrument declaring said street thereof described on Exhibit "A" attached hereto to be vacated, and

WHEREAS, convenient and reasonable means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the said map or plat recorded in Map Book 4, Page 25, in the Probate Records of Shelby County, Alabama, either by the remaining road dedicated by said map or plat or other streets or roads which have been dedicated to public use, and

WHEREAS, it is now desirable and expedient for the Helena City Council, being the government body of the City of Helena, to join in and assent to the vacation of said street or alley or portion thereof described on Exhibit "A".

NOW, THEREFORE, be it resolved by the Helena City Council that the Helena City Council does hereby assent to the vacation of said street and that said street encompassed within the bounds thereof as shown on said Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, be, and the same is hereby dedicated by the Helena City Council to be vacated as a public road and all rights of the public and all other persons, firms, or corporations in and to said road or portion thereof described on said Exhibit "A" are hereby divested.

The above said resolution was introduced by John L. Bearden, Jr. Councilman, at the regular meeting of the Helena City Council held in Helena, Alabama, on the 19 day of Sept., 1994 and the same having been read in full by the Mayor, it was moved by Councilman Jimmy Tate and seconded by Councilman Tom LeFebvre that all rules governing the Helena City Council which might, unless suspended, prevent the passage and adoption of said resolution at this meeting, be and the same are hereby suspended for the purpose of permitting said resolution to be finally passed and adopted at this meeting.

Whereupon the Mayor put the question on said motion for suspension of the rules and on roll call the vote was as follows: Voting yes, Councilman John L. Bearden, Jr. Cornie Bradley Tom LeFebvre & Jimmy Tate, voting no Councilman Billy D. Harris

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ATTEST:

James Parick  
Clerk

Charles W. Beal  
Mayor, City of Helena, Alabama

#### CERTIFICATION

I, the undersigned Clerk of the City of Helena, Alabama, certify that the above resolution is a true and correct representation of the resolution adopted by the City of Helena City Council on the date described therein.

James Parick, CMC  
Clerk, City of Helena, Alabama



**EXHIBIT "A"**

Mimosa Street located in the City of Helena, Alabama, and more particularly described as follows:

Commence at a point where the Southern terminus of Mimosa Street intersects the Northern boundary of Elm Street in the City of Helena, Alabama and proceed thence in a Northerly direction to a point where Mimosa Street intersects Railroad Avenue in the City of Helena.

Said road or street has never been constructed and is not used for ingress or egress by any persons, firms or corporations at the present time.

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