

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 Oak 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"), do 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 WHEREOF, the undersigned, does hereby cause its duly appointed officer to set his hand and seal on this the 3rd day of August, 1990.

ATTEST:

METROCK STEEL & WIRE COMPANY, INC.

By: Nelson M. Metrock

Its: Secretary

By: M. Metrock

Its: Pres.

Inst # 1994-30181

10/04/1994-30181
10:45 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOB REC 25.00

Gordon Sullivan

Inst # 1994-30181

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that John F. Smith, 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.

John F. Smith
Notary Public

My commission expires: 7-30-90

STATE OF ALABAMA

SHELBY COUNTY

I, _____, as _____, for said County, in said State, hereby attest that John F. Smith, 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 3rd day of August, 1990.

John F. Smith

EXHIBIT "A"

STATE OF ALABAMA

SHELBY COUNTY

VACATION OF PUBLIC STREET

The undersigned, Metrock Steel & Wire Company, Inc., being the sole owner of all of the land abutting Oak Street, as recorded in Map Book 4, 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, do hereby execute this instrument declaring that said Oak 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 Oak 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 3rd day of August, 1990.

ATTEST:

METROCK STEEL & WIRE COMPANY, INC.

By: [Signature]
Its: [Signature]

By: M. Metrock
Its: PRES.

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that [Signature], 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.

[Signature]
Notary Public
My commission expires: 7-30-94

STATE OF ALABAMA

SHELBY COUNTY

I, Nelda L. Hunt, as Notary Public, for said
County, in said State, hereby attest that Walter M. [unclear]
as [unclear] 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 the
instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 3rd day of August, 1990.

Nelda L. Hunt

4351B

EXHIBIT "C"

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

Commence at a point where the Southern terminus of Oak 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 Oak 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.

4352B

EXHIBIT "B"

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

We, the undersigned, constituting all of the Members of the Board of Directors of Metrock Steel & Wire Company, Inc. (the "Corporation"), pursuant to Section 10-2A-66 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 Directors of the Corporation have determined that it is in the best interests of the Corporation that that certain Oak Street in the vicinity of the Corporation's real estate located in Helena, Alabama be vacated.

FURTHER 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 1st day of August, 1990.

Michael Metrock
Michael Metrock, Director

Helen Metrock
Helen Metrock, Director

James T. Metrock
James T. Metrock, Director

John M. Metrock
John M. Metrock, Director

STATE OF ALABAMA

SHELBY COUNTY

MINUTES FOR PASSAGE OF RESOLUTION OF PERMANENT OPERATION

The following Resolution of Permanent Operation, as follows:

"WHEREAS, Oak 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 Helena City Council, being the governing 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 Henry B. Adams Councilman, at the regular meeting of the Helena City Council held in Helena, Alabama, on the 12 day of October, 1990, and the same

having been read in full by the Mayor. It was moved by Councilman Billy D. Harris and seconded by Councilman Jimmy Tate 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

Lenny Beader, Wayne Hentz, Billy D. Harris, James E. Lowndes & Jimmy Tate

voting no, Councilman None

Thereupon the Mayor declared said motion carried and the rules suspended.

Councilman Wayne Hentz then moved that said Resolution be now placed before the Helena City Council for final passage and that it be finally passed and adopted as introduced.

Councilman Lenny Beader seconded the motion. The question being put upon the placing of said Resolution before the Helena City Council for its final passage and that said Resolution be finally passed and adopted as introduced, the roll was called with the following results, voting yes,

Councilman Everyone voting no, None

The Mayor then declared said motion carried and resolution finally passed and adopted. The Mayor signed said Resolution in approval thereof.

ATTEST:

James Patrick Cline Clerk
Charles R. Ricks 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.

43528
JUDGE OF PROBATE
91 AUG 29 PM 3:25
SHELBY COUNTY JUDGE OF PROBATE
606 REC 26.00

James Patrick Cline
Clerk, City of Helena, Alabama
Inst. # 1554

10/04/1994-30161
10:45 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
606 REC 26.00