

SHELBY COUNTY COMMISSION  
JANUARY 23, 1995  
MINUTES

STATE OF ALABAMA  
COUNTY OF SHELBY

The Shelby County Commission of Shelby County, Alabama, met at the Courthouse in the City of Columbiana, Alabama, at 6:00 PM, Monday, January 23, 1995, the regular time and place for holding said regular meeting. The meeting was called to order by Chairman Leon Archer. The invocation was given by Bill Sparks, Superintendent of Education Elect, followed by the Pledge of Allegiance. County Clerk, Myra DeMarco called roll and the following members were present:

PRESENT

Chairman Leon Archer  
Vice-Chairman Larry Dillard  
Commissioner Dan Acker  
Commissioner Lindsey Allison  
Commissioner George Dailey  
Commissioner Billy Thompson  
Commissioner Phillip Walker  
Commissioner Paul Yeager

ABSENT

Commissioner Don Armstrong

APPROVAL OF MINUTES  
COMMISSION MEETING OF JANUARY 9, 1995  
APPROVAL OF BILLS, REQUISITIONS AND CHECK REGISTER\*  
RESOLUTION #95-01-23-01

MOTION: Commissioner Walker - Approve the Minutes of the Commission Meeting of January 9, 1995, as drafted and approve bills, requisitions and check register as presented this date.

SECOND: Commissioner Acker

VOTE ON MOTION: Unanimous

MOTION CARRIED

\*COPY OF BILLS, REQUISITIONS AND CHECK REGISTER ARE ON FILE IN THE COMMISSION OFFICE.

ROADS AND TRANSPORTATION  
APPROVAL OF ADOPTING ELLIOT ROAD AS PUBLIC COUNTY ROAD  
RESOLUTION #95-01-23-02

MOTION: Commissioner Thompson - Motioned to accept Elliot Road as a public county road

SECOND: Commissioner Dailey

VOTE ON MOTION: 6 Yeas - Commissioner Acker, Commissioner Archer, Commissioner Dailey, Commissioner Dillard, Commissioner Thompson and Commissioner Walker

2 Nays - Commissioner Allison and Commissioner Yeager  
MOTION CARRIED

PLANNING AND ECONOMIC DEVELOPMENT  
ACCEPTED RESIGNATION OF EDWARD O. LOGIN-  
PLANNING COMMISSION

MOTION: Commissioner Walker - Motioned to accept Edward O. Logan's resignation to Planning Committee

SECOND: Commissioner Dillard

VOTE ON MOTION: Unanimous

MOTION CARRIED

ENVIRONMENTAL TASK FORCE  
HOST GOVERNMENT APPROVAL FOR  
SHELBY COUNTY REGIONAL LANDFILL

MOTION: Commissioner Thompson - Motioned to host government approval for Shelby County Regional Landfill

SECOND: Commissioner Dillard

02/16/1995-04274  
01:59 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
DOB NCD 26.00

*Amette L. Miller*

VOTE ON MOTION: 7 Yeas - Commissioner Acker, Commissioner  
Allison, Commissioner Archer, Commissioner Dailey,  
Commissioner Dillard, Commissioner Thompson,  
Commissioner Walker

1 Nay - Commissioner Yeager

MOTION CARRIED

RESOLUTION 95-01-23-04

WHEREAS, in order to have a regional landfill it is necessary to have a public hearing allowing citizens to comment on the regional landfill and

WHEREAS, in order to have a regional landfill the Shelby County Commission has to declare a service area and grant Host Government approval, and

WHEREAS, once the service area is declared and approved the Shelby County Commission has the authority to decide which counties in that service area can use the Shelby County landfill, and

WHEREAS, Shelby County has completed the advertising and public hearing requirements for Host Government Approval for the proposed regional landfill in Shelby County, now

THEREFORE, BE IT RESOLVED, the Shelby County Commission hereby grants Host Government Approval for the Regional Landfill in Shelby County with the service area to include Bibb, Calhoun, Cherokee, Chilton, Clay, Cleburn, Coosa, Etowah, Jefferson, Randolph, Shelby, St. Clair, Talladega, Tallapoosa and Tuscaloosa Counties.

WAIVE RULES TO TAKE AGENDA  
ITEM OUT OF ORDER  
RESOLUTION #95-01-23-05A

MOTION: Commissioner Acker - Motioned to take agenda item out of order for discussion

SECOND: Commissioner Dillard

VOTE ON MOTION: 7 Yeas - Commissioner Acker, Commissioner Allison, Commissioner Archer, Commissioner Dailey, Commissioner Dillard, Commissioner Thompson, Commissioner Yeager

1 Nay - Commissioner Walker

MOTION CARRIED

ROADS AND TRANSPORTATION  
APPROVAL TO VACATE PORTION OF  
SHELBY COUNTY HIGHWAY (OLD HIGHWAY 41)  
RESOLUTION #95-01-23-05B

MOTION: Commissioner Acker - Motion to accept petition to vacate portion of Shelby County Highway (Old Highway 41)

SECOND: Commissioner Thompson

VOTE ON MOTION: 7 Yeas - Commissioner Acker, Commissioner Allison, Commissioner Archer, Commissioner Dailey, Commissioner Dillard, Commissioner Thompson, Commissioner Yeager

1 Nay - Commissioner Walker

MOTION CARRIED

RESOLUTION #95-01-23-05B

BE IT RESOLVED, that the Shelby County Commission hereby approves the vacation of certain portion of \*Shelby County Highway (Old Highway 41).  
\*SEE EXHIBIT A - MINUTE BOOK, COUNTY MANAGER'S OFFICE

MEETING RECESSED FOR EXECUTIVE SESSION

PRESENT: COUNTY COMMISSION, COUNTY CLERK, COUNTY MANAGER, DIRECTOR OF PUBLIC WORKS AND DEPARTMENTAL SECRETARY  
ALL OTHER ATTENDING MEETING WERE EXCUSED FROM THE ROOM  
EXECUTIVE SESSION LASTED APPROXIMATELY 20 MINUTES

ADJOURNMENT RESOLUTION  
RESOLUTION 95-01-23-06

MOTION: Commissioner Acker - There being no further business coming before the Commission move to adjourn meeting this date, January 23, 1995 at 7:55 P.M.

SECOND: Commissioner Dillard

VOTE ON MOTION: Unanimous

MOTION CARRIED

STATE OF ALABAMA)

SHELBY COUNTY)

PETITION FOR VACATION OF ROAD

We, the undersigned, Howard K. Mitchell and Naomi S. Mitchell, being the sole owners of the land abutting that certain portion of Shelby County Highway (Old Highway 41) described in the vacation of public road attached hereto, do hereby petition the Shelby County Commission to ratify and confirm said vacation of public road and declare said road or a portion thereof described on Exhibit "A", attached hereto, to be vacated and we do hereby further represent and show unto the Commission that said road, or portion thereof is not located within the confines of any city or municipality limits, and is located in Shelby County, Alabama. The undersigned offers exhibits "B" and "C" in explanation and further support of this petition.

WHEREFORE, PREMISES CONSIDERED, your petitioners pray: That the Shelby County Commission will, by resolution, declare said road described in Exhibit "A" to be vacated.

IN WITNESS WHEREOF, we, the undersigned, do hereby set our hands and seals on this the 20<sup>th</sup> day of December, 1994.

Howard K. Mitchell  
Howard K. Mitchell

Naomi S. Mitchell  
Naomi S. Mitchell

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, Notary Public, in and for said County, in said State, hereby certify that Howard K. Mitchell and Naomi S. Mitchell whose names are signed to the foregoing instrument and who are known to me acknowledged before me on this day, that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 20<sup>th</sup> day of December, 1994.

Chris A. [Signature]  
Notary Public

9/21/96

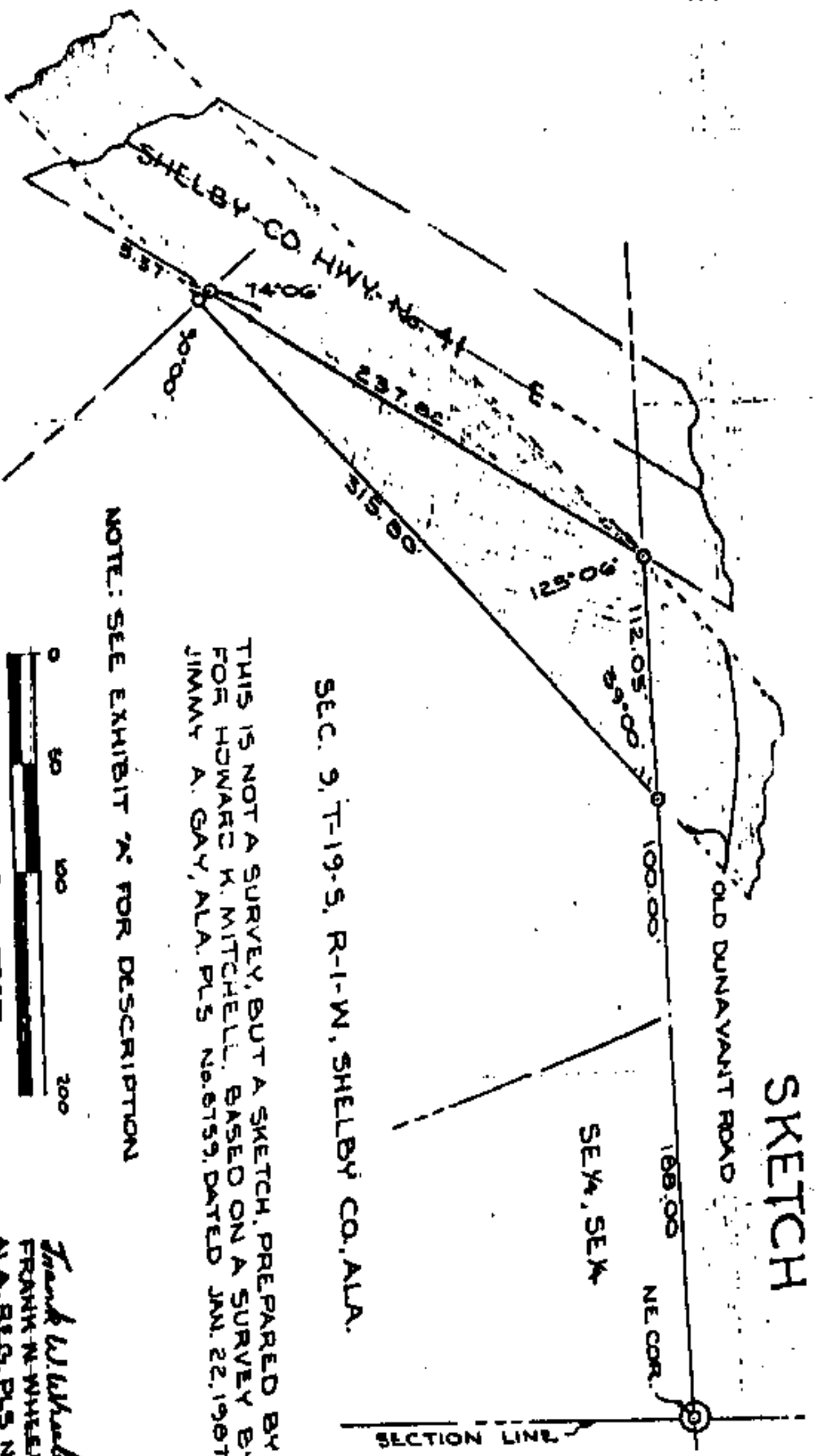
EXHIBIT "A"

Columbiana, Alabama  
May 25, 1994

Description for Howard K. Mitchell, Shelby Co. Hwy. No. 41

Commence at the NE corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 9, T-19-S, R-1-W; thence proceed West, along the North line of said  $\frac{1}{4}$  Sec. for a distance of 288.00 feet, to the point of beginning; Thence proceed West, along the North line of said  $\frac{1}{4}$  Sec. for a distance of 112.05 feet, to the South East right line of Shelby Co. Hwy. No. 41; Thence turn a deflection angle of 54 deg. 54 min. to the left and proceed, along said right of way line, for a distance of 237.82 feet; Thence turn a deflection angle of 74 deg. 06 min. to the left and proceed for a distance of 05.37 feet. to the NW cor. of the present Howard K. Mitchell Lot; Thence turn a deflection angle of 90 deg. 00 min. to the left and proceed, along the line of said Mitchell Lot for a distance of 315.80 feet, to the point of beginning.



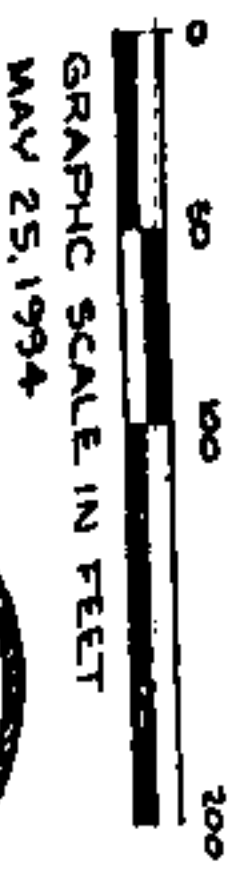


# SKETCH

SEC. 9, T-19-S, R-1-W, SHELBY CO., ALA.

THIS IS NOT A SURVEY, BUT A SKETCH, PREPARED BY ME, FOR HOWARD K. MITCHELL, BASED ON A SURVEY BY JIMMY A. GAY, ALA. PLS. NO. 8759, DATED JAN. 22, 1967

NOTE: SEE EXHIBIT 'A' FOR DESCRIPTION



Frank W. Wheeler  
 FRANK W. WHEELER  
 ALA. REG. PLS. NO. 3585  
 P.O. BOX 356, COLUMBIANA, AL.  
 35051



EXHIBIT "B"

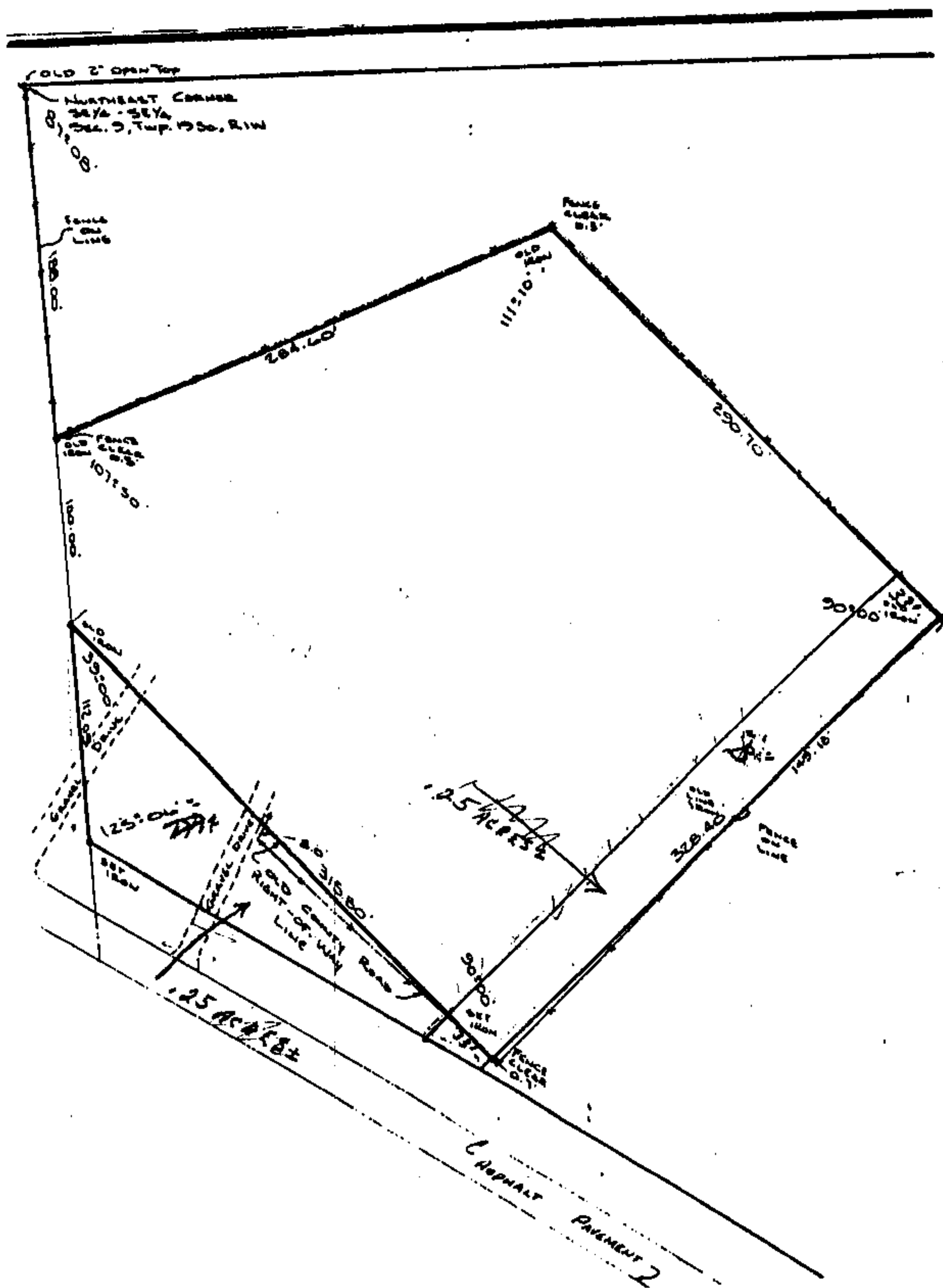
When the undersigned purchased our present home in 1953, said purchase consisted of a house and 2½ acres fronting on Old County Highway 41. When the present County Highway 41 was constructed in 1959, we deeded a portion of our land to facilitate its construction. Later we bought the "Action Property", located across the new highway and between the new and old highways. Deed to this property was recorded by C. M. Fowler, Judge of Probate, in Volume 262, page 522, Record of Mortgages on the 24th day of September, 1959. The County built our driveways across the Old Highway and moved the entrance of the Old Highway further north. We gave the County authority to relocate on our property said entrance to provide better access to the public and to minimize road upkeep for the County. We are now legally cut off from the new Highway 41 by the Old Highway 41 which runs through our yard. If we decided to sell our property, we could not convey legal access to the new Highway 41. It is for this reason that we are petitioning for vacation of that portion of Old Highway 41 described on Exhibit "A". This matter has been coordinated with an official of the County Highway Engineering Department who offered no objection to the petition.

Howard K. Mitchell  
Howard K. Mitchell

Naomi S. Mitchell  
Naomi S. Mitchell

Ch. A. [Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES 9/21/96



READ & APPROVED

*Leon Archer*  
CHAIRMAN LEON ARCHER

*Larry Dillard*  
VICE CHAIRMAN LARRY DILLARD

*Daniel M. Acker*  
COMMISSIONER DAN ACKER

*Lindsey Allison*  
COMMISSIONER LINDSEY ALLISON

COMMISSIONER DON ARMSTRONG

*George D. Wiley*  
COMMISSIONER GEORGE D. WILEY

*Billy Thompson*  
COMMISSIONER BILLY THOMPSON

*Phillip Walker*  
COMMISSIONER PHILLIP WALKER

*Paul Yeager*  
COMMISSIONER PAUL YEAGER

Inst # 1995-04274

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