

I, MYRA B. DEMARCO, COUNTY CLERK OF THE SHELBY COUNTY COMMISSION, HEREBY CERTIFY THIS TO BE A TRUE COPY OF RESOLUTION NO. 96-10-14-09 UNANIMOUSLY ADOPTED BY THE SHELBY COUNTY COMMISSION, IN REGULAR SESSION, ON OCTOBER 14, 1996 (RECORDED IN MINUTE BOOK NO. 24, PAGE NO. 461 LOCATED IN THE SHELBY COUNTY ADMINISTRATIVE BUILDING OF COLUMBIANA, AL.).

DONE THIS THE 30TH DAY OF OCTOBER, 1996.

Myra B. Demarco

Authorized: August 30, 1996
Invoice Dated: October 2, 1996

This is hereby approved by the County Engineer and hereby approved by the Commission.

**APPROVAL OF RIGHT-OF-WAY ACQUISITIONS
RESOLUTION 96-10-14-08**

MOTION: Commissioner Acker - Motion to approve Resolution 96-10-14-08 as presented
SECOND: Commissioner Dailey
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION 96-10-14-08

BE IT RESOLVED, that the Shelby County Commission hereby accepts the following right-of-way acquisitions:

Island Road

Donations -

Donald Willis
Gulf States Paper Corporation

County Road Number 77 (Horton Loop Road)

Donations -

The Estate of William E. & Louise Horton, Deceased

Egg & Butter Road

Donations -

Carolyn McGuire
Lillie Sutton (3 parcels)
Leroy Green and Mary Cunningham
Paul Pool and Mary Alice Pool

**VACATION OF RIGHT-OF-WAY
HEATHERBROOK
RESOLUTION 96-10-14-09**

MOTION: Commissioner Acker - Motion to approve Resolution 96-10-14-09 as presented
SECOND: Commissioner Allison
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION 96-10-14-09

BE IT RESOLVED, that the Shelby County Commission hereby grants vacation to said Right-of-Way as applied for by Colonial Properties Holding Co., Inc. Land description and application are hereby made part of this resolution.

**BUDGET, FINANCE & LEGAL
CHAIRMANSHIP FOR FY 96-97
RESOLUTION 96-10-14-10**

MOTION: Commissioner Acker - Motion to approve Resolution 96-10-14-10 as presented
SECOND: Commissioner Allison
VOTE ON MOTION: 6 Yeas - Commissioner Acker, Commissioner Allison, Commissioner Armstrong, Commissioner Dailey, Commissioner Thompson, Commissioner Yeager 1 Naye - Commissioner Dillard

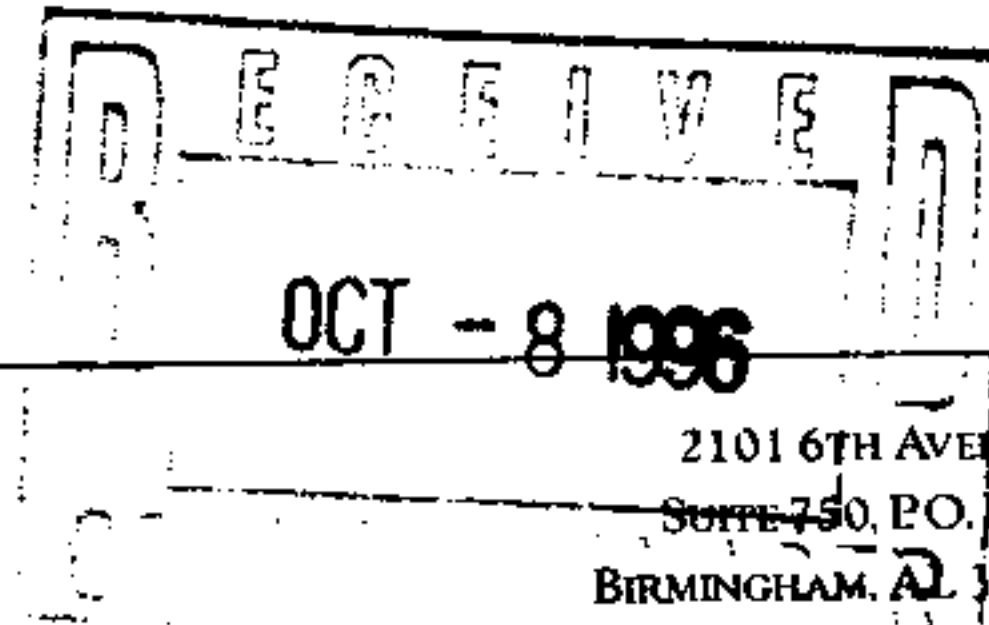
RESOLUTION 96-10-14-10

BE IT RESOLVED, by the Shelby County Commission that Commissioner Don Armstrong is hereby elected Chairman of the County Commission effective with the November 12, 1996 Commission Meeting and Commissioner Billy Thompson is hereby elected Vice-Chairman.

**ENVIRONMENTAL & NATURAL RESOURCES
APPROVAL OF PUBLIC WORKS CHECK REGISTERS
RESOLUTION 96-10-14-11**

MOTION: Commissioner Allison - Motion to approve check registers for the Public Works Department
SECOND: Commissioner Acker

Inst # 1996-36356
10/31/1996-36356
02:21 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 HCB



2101 6TH AVENUE NORTH
SUITE 750, P.O. BOX 11687
BIRMINGHAM, AL 35202-1687
(205) 250-8700
FAX (205) 250-8890
mail@colonialprop.com
http://www.colonialprop.com

October 7, 1996

Via Hand Delivery

Shelby County Commission
200 West College Street
Columbiana, AL 35051
Attention: Kim Walton

**Re: Proposed Vacation of County Right-Of-Way
Heatherbrooke Office Park/Heatherbrooke Apartments**

Dear Ms. Walton:

Please accept this as our request for the above matter to be on the agenda of the October 14, 1996 meeting of The Shelby County Commission. We are submitting with this letter the following documents in connection with our request:

1. A Notice of Proposed Vacation of Lands or Interest In Lands; and
2. An Application For Vacation of Property Dedicated For Public Purposes.

As you may be aware, this request is being made as part of our plans to expand Heatherbrooke apartments. Our expansion plans include creating a cul-de-sac on Heatherbrooke Office Park Drive. That street now runs through Heatherbrooke Office Park and Heatherbrooke Apartments, and the right-of way that we are asking the county to vacate is for the portion of the road that is beyond the location of the proposed cul-de-sac. We have worked closely with Shelby County on this project for quite some time, and I understand that The Planning Department has provided or will provide The Commission with more details concerning our project.

Please feel free to contact me if you have any questions or if I can provide any additional information. I look forward to your response confirming our request's spot on the agenda.

Sincerely,

Charles B. Pell, Jr.

cc: Sarah Liu, Shelby County Planning Department
Chuck Williams, Paragon Engineering

**APPLICATION FOR VACATION OF PROPERTY
DEDICATED FOR PUBLIC PURPOSES**

KNOW ALL MEN BY THESE PRESENTS THAT: Whereas the undersigned parties are owners of all the property abutting, or in any way served by the property herein described, and own all of the lands abutting on or touching said property, and as such owners are desirous of vacating all the property herein described, as provided by the Statutes of Alabama, particularly Section 23-4-1 et. seq., Code of Alabama (1975).

NOW THEREFORE, the undersigned parties, being the owners of all the lands abutting on the following described property:

STATE OF ALABAMA
SHELBY COUNTY

That portion of Heatherbrook Park Drive located in the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 18 South, Range 2 West of Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of Lot 4 of Heatherbrooke Office Park as recorded in Map Book 12 at page 2, in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the Northwest lot line of said Lot 4 and a projection thereof a distance of 192.34 feet to a point, said point being on the centerline of said Heatherbrooke Park Drive, being 60 feet in width, 30 feet either side of said centerline, and said point also being on a curve to the left and said point also being the POINT OF BEGINNING of the parcel herein described; thence turn a deflection angle to the right of $81^{\circ}48'02''$ to tangent and run along the arc of said curve having a central angle of $0^{\circ}51'18''$ and a radius of 320.00 feet in a Northeasterly direction an arc distance of 4.78 feet to a point; thence run tangent to last described curve a distance of 72.50 feet to a point, said point being the centerline of a cul-de-sac with a radius of 66 feet and said point being the end of said described centerline.

ALSO:

Commence at the Northeast corner of Lot 4 of Heatherbrooke Office Park as recorded in Map Book 12 at page 2, in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the Northwest lot line of said Lot 4 and a projection thereof a distance of 192.34 feet to a point, said point being on the centerline of said Heatherbrooke Park Drive, being 60 feet in width, 30 feet either side of said centerline, and said point also being on a curve to the right and said point also being the POINT OF BEGINNING of the parcel herein described; thence turn a deflection angle to the left of $98^{\circ}11'58''$ to tangent and run along the arc of said curve having a central angle of $14^{\circ}02'09''$ and a radius of 320.00 feet in a Southwesterly direction an arc distance of 78.39 feet to a point, said point being on a curve to the right; thence continue along said centerline and said curve, having a central angle of $58^{\circ}06'04''$ and a radius of 500.00 feet, in a Southwesterly to Westerly direction an arc distance of 507.03 feet to a point, said point being on a curve to the right; thence continue along said centerline and said curve, having a central angle of $1^{\circ}14'54''$ and a radius of 1400.00 feet in a Westerly direction an arc distance of 30.50 feet to a point and the END of described centerline for vacation of right-of-way on Heatherbrooke Park Drive.

LESS AND EXCEPT:

Any part of that existing right-of-way that will be necessary and required to construct a new cul-de-sac as shown on construction plans for Heatherbrooke Apartments, Phase 4 as submitted to Shelby County.

do hereby declare the above property vacated and annulled, and all public rights and easements therein divested of the property, subject, however, to all existing rights-of-way 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 public road 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, or highways dedicated by said map, plat, or survey.

IN TESTIMONY AND WITNESS WHEREOF, the parties hereunto have signed and affixed their hands and seals to this declaration of vacation on this the 9th day of October, 1996.

COLONIAL REALTY LIMITED PARTNERSHIP

ODYSSEY CHILD DEVELOPMENT, INC.

By: Colonial Properties Holding Company, Inc.
Its: General Partner

By: Robert Mitchell (L.S.)

Its: President

By: Charles A. McGhee
Its: Sr. Vice - President

STATE OF ALABAMA)

SHELBY COUNTY)

I, Janice R. Anderson, a Notary Public in and for said County and State hereby
certify that Charles A. McGhee - Sr. Vice President

whose names are signed to the foregoing declaration of vacation and who are known to me,
acknowledged before me on this day that, being informed of the contents of the said declaration, they
executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 9th day of October, 1996.

Janice R. Anderson
Notary Public

STATE OF ALABAMA)

SHELBY COUNTY)

I, Joseph D. French, a Notary Public in and for said County and State hereby certify
that _____

whose names are signed to the foregoing declaration of vacation and who are known to me,
acknowledged before me on this day that, being informed of the contents of the said declaration, they
executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 10th day of October, 1996.

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: OCT. 10, 1998.
BONDED LIKE NOTARY PUBLIC UNDERWRITERS.

Joseph D. French
Notary Public

NOTICE OF PROPOSED VACATION OF LANDS OR INTEREST IN LANDS

Notice is hereby given that a petition will be presented to and acted upon by the County Commission of Shelby County, Alabama, at its meeting on Monday, the 14th day of October, 1996, at 8:30 AM in the Chambers of the County Commission of Shelby County, Alabama, at the Courthouse in Columbiana, Alabama, seeking to vacate the following described property:

STATE OF ALABAMA
SHELBY COUNTY

That portion of Heatherbrook Park Drive located in the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 18 South, Range 2 West of Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of Lot 4 of Heatherbrooke Office Park as recorded in Map Book 12 at page 2, in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the Northwest lot line of said Lot 4 and a projection thereof a distance of 192.34 feet to a point, said point being on the centerline of said Heatherbrooke Park Drive, being 60 feet in width, 30 feet either side of said centerline, and said point also being on a curve to the left and said point also being the POINT OF BEGINNING of the parcel herein described; thence turn a deflection angle to the right of 81°48'02" to tangent and run along the arc of said curve having a central angle of 0°51'18" and a radius of 320.00 feet in a Northeasterly direction an arc distance of 4.78 feet to a point; thence run tangent to last described curve a distance of 72.50 feet to a point, said point being the centerline of a cul-de-sac with a radius of 66 feet and said point being the end of said described centerline.

ALSO:

Commence at the Northeast corner of Lot 4 of Heatherbrooke Office Park as recorded in Map Book 12 at page 2, in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the Northwest lot line of said Lot 4 and a projection thereof a distance of 192.34 feet to a point, said point being on the centerline of said Heatherbrooke Park Drive, being 60 feet in width, 30 feet either side of said centerline, and said point also being on a curve to the right and said point also being the POINT OF BEGINNING of the parcel herein described; thence turn a deflection angle to the left of 98°11'58" to tangent and run along the arc of said curve having a central angle of 14°02'09" and a radius of 320.00 feet in a Southwesterly direction an arc distance of 78.39 feet to a point, said point being on a curve to the right; thence continue along said centerline and said curve, having a central angle of 58°06'04" and a radius of 500.00 feet, in a Southwesterly to Westerly direction an arc distance of 507.03 feet to a point, said point being on a curve to the right; thence continue along said centerline and said curve, having a central angle of 1°14'54" and a radius of 1400.00 feet in a Westerly direction an arc distance of 30.50 feet to a point and the END of described centerline for vacation of right-of-way on Heatherbrooke Park Drive.

LESS AND EXCEPT:

Any part of that existing right-of-way that will be necessary and required to construct a new cul-de-sac as shown on construction plans for Heatherbrooke Apartments, Phase 4 as submitted to Shelby County.

at which meeting all persons having any interest therein or desiring to be heard regarding same are notified to be present.

SIGNED: COLONIAL REALTY LIMITED PARTNERSHIP,
a Delaware Limited Partnership

By: Colonial Properties Holding Company, Inc.
Its: General Partner

By:

Its:

St. Lee - President

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