

RESOLUTION NO. 1743-97

WHEREAS, Daniel Realty Investment Corporation, Benson Custom Homes, Inc., and M. Byrom Corporation, are the owners of all the property abutting or adjacent to the following described easement proposed to be vacated, situated in Shelby County, Alabama, to-wit

*An easement to be vacated being a part of Lots 42 through 45 in Greystone 8th Sector as recorded in Map Book 20, on Page 93 A & B, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:*

*Commence at the Northwest corner of Lot 45 in said Greystone 8th Sector, thence run in a northeasterly direction along the Northwest line of said Lot 45 for a distance of 10.05 feet to the point of beginning; thence continue along last stated course for a distance of 148.31 feet to the Northwest corner of Lot 44 in said Greystone 8th Sector; thence turn an angle to the left of 4 degrees 53 minutes 59 seconds and run in a northeasterly direction along the Northwest line of said Lot 44 for a distance of 111.35 feet to the Northwest corner of Lot 43 in said Greystone 8th Sector; thence turn an angle to the left of 10 degrees 57 minutes 37 seconds and run in a northeasterly direction along the Northwest line of said Lot 43 for a distance of 111.35 feet to the Northwest corner of Lot 42 in said Greystone 8th Sector; thence turn an angle to the left of 10 degrees 57 minutes 37 seconds and run in a northeasterly direction along the Northwest line of said Lot 42 for a distance of 111.35 feet to the Northwest corner of Lot 41 in said Greystone 8th Sector; thence turn an angle to the right of 84 degrees 31 minutes 12 seconds and run in a southeasterly direction along the Southwest line of said Lot 41 for a distance of 10.05 feet to a point; thence turn an angle to the right of 95 degrees 28 minutes 48 seconds and run in a southwesterly direction for a distance of 113.27 feet to a point; thence turn an angle to the right of 10 degrees 57 minutes 37 seconds and run in a southwesterly direction for a distance of 113.27 feet to a point; thence turn an angle to the right of 10 degrees 57 minutes 37 seconds and run in a southwesterly direction for a distance of 112.74 feet to a point; thence turn an angle to the right of 4 degrees 53 minutes 59 seconds and run in a southwesterly direction for a distance of 147.78 feet to a point; thence turn an angle to the right of 84 degrees 33 minutes 46 seconds and run in a northwesterly direction for a distance of 10.05 feet to the point of beginning,*

WHEREAS, the above owners are desirous of vacating a portion of said easement described above and requests that the assent of the Council of the City of Hoover, Alabama, be given as required by law in such cases;

After vacation of the above described easement, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoover, Alabama, that it does hereby assent to the vacation of the said easements as above described and that the same is hereby vacated and annulled and all public rights and easements therein are hereby divested.

DONE this the 21st day of January, 1997.

  
President of the Council

APPROVED:

  
Mayor

ATTESTED BY:

  
City Clerk

Inst # 1997-05820

02/24/1997-05820  
03:57 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 13.50

Inst # 1997-05820

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

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**KNOW BY ALL THESE PRESENT THAT:** Whereas the undersigned party (parties) is (are) owner(s) 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 owner(s) is desirous of vacating the easements herein described as provided by the Statutes of the State of Alabama.

**NOW, THEREFORE,** the undersigned party (parties), being the owner(s) of all lands abutting on the following described property,

An easement to be vacated being a part of Lots 42 through 45 in Greystone 8th Sector as recorded in Map Book 20, on Page 93 A & B, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of Lot 45 in said Greystone 8th Sector, thence run in a northeasterly direction along the Northwest line of said Lot 45 for a distance of 10.05 feet to the point of beginning; thence continue along last stated course for a distance of 148.31 feet to the Northwest corner of Lot 44 in said Greystone 8th Sector; thence turn an angle to the left of 4 degrees 53 minutes 59 seconds and run in a northeasterly direction along the Northwest line of said Lot 44 for a distance of 111.35 feet to the Northwest corner of Lot 43 in said Greystone 8th Sector; thence turn an angle to the left of 10 degrees 57 minutes 37 seconds and run in a northeasterly direction along the Northwest line of said Lot 43 for a distance of 111.35 feet to the Northwest corner of Lot 42 in said Greystone 8th Sector; thence turn an angle to the left of 10 degrees 57 minutes 37 seconds and run in a northeasterly direction along the Northwest line of said Lot 42 for a distance of 111.35 feet to the Northwest corner of Lot 41 in said Greystone 8th Sector; thence turn an angle to the right of 84 degrees 31 minutes 12 seconds and run in a southeasterly direction along the Southwest line of said Lot 41 for a distance of 10.05 feet to a point; thence turn an angle to the right of 95 degrees 28 minutes 48 seconds and run in a southwesterly direction for a distance of 113.27 feet to a point; thence turn an angle to the right of 10 degrees 57 minutes 37 seconds and run in a southwesterly direction for a distance of 113.27 feet to a point; thence turn an angle to the right of 10 degrees 57 minutes 37 seconds and run in a southwesterly direction for a distance of 112.74 feet to a point; thence turn an angle to the right of 4 degrees 53 minutes 59 seconds and run in a southwesterly direction for a distance of 147.78 feet to a point; thence turn an angle to the right of 84 degrees 33 minutes 46 seconds and run in a northwesterly direction for a distance of 10.05 feet to the point of beginning,

does (do) hereby declare the above easements vacated and annulled, and all public rights and easements therein divested of the property.

The undersigned owner(s) further declared that after vacation of the said easements 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 or plat.

**IN TESTIMONY AND WITNESS WHEREOF,** the party hereunto has signed and affixed its hand and seal this declaration of vacation on this the 16th day of December, 1996.

DANIEL OAK MOUNTAIN LIMITED PARTNERSHIP

By: Daniel Realty Investment Corporation - Oak Mountain

BY: [Signature]  
Its: [Signature]

Benson Custom Homes, Inc.

BY: [Signature]  
Its: Owner

M. Byrom Corporation

BY: [Signature]  
Its: [Signature]

### CLERK'S CERTIFICATION

I, Linda Crump, City Clerk for the City of Hoover, Alabama, hereby certify that the attached is a true and correct copy of **Resolution No. 1743-97** which was adopted by the City Council of the City of Hoover, Alabama, on the 21<sup>st</sup> day of

January, 1997.

Linda Crump  
City Clerk

Inst # 1997-05820

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03:57 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 HCO 13.50