

APPLICATION AND DECLARATION OF VACATION OF EASEMENT DEDICATED FOR PUBLIC PURPOSES

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, Carless Dale Dunnaway and his wife, Jessie Ruth Dunnaway; Michael D. Dunnaway and his wife, Roberta S. Dunnaway (being the fee owners of the parcel over which the public easement herein being vacated runs); and Loraine Dunaway Bowker, are the owners of all the property abutting or in any way served by the easement herein described, and own all the lands abutting on or touching said property, and as such owners are desirous of vacating all the property herein described as provided for by Ala. Code § 35-2-54.

NOW THEREFORE, the undersigned, being the owners of all the lands abutting on or touching the following described easement situated in Shelby County, Alabama, TO-WIT:

A fifteen (15) foot wide easement for ingress and egress running along a north-south line across the following described property:

Tract over which easement runs

Commence from the Northwest corner of the East ½ of the Southwest ¼ of the Southwest ¼ of Section 14, Township 19 South, Range 2 West; From thence run South along the West boundary line of said East ½ of the Southwest ¼ of the Southwest ¼ a distance of 229.97 feet; From thence turn left 88°24'35" and run East a distance of 218.97 feet to the POINT OF BEGINNING; Thence, from the last described course, turn right 87°33'45" and run South a distance of 215.0 feet; From thence turn left 89°48'50" and run East a distance of 148.83 feet (*this being a point referred to below along the West boundary line of the easement which is the subject of this Application and Declaration*); From thence turn right 90°11'25" and run South a distance of 92.30 feet; From thence turn left 119°41'10" and run Northeast a distance of 120.0 feet; From thence turn left 106°05'25" and run Northwest a distance of 145.69 feet; From thence turn left 00°05'15" and continue running Northwest for a distance of 209.31 feet to the POINT OF BEGINNING;

Description of easement

The West boundary of the easement which is the subject of this APPLICATION AND DECLARATION OF VACATION OF EASEMENT DEDICATED FOR PUBLIC PURPOSES is situated so that its West boundary line intersects with a "point indicated above; To determine the West boundary of said easement as it runs to the South of that point, approach said point according to the call which immediately preceds its notation in the above description, turn right 90°11'25" and run South a distance of 92.30 feet; To determine the West boundary of said easement as it runs to the North of that point, approach said point according to the call which immediately preceds its notation in the above description, turn left 89°48'35" and run North a distance of 68.74 feet;

The above-described parcel and easement being situated in the Southwest ¼ of the Southwest ¼ of Section 14, Township 19 South, Range 2 West, Shelby County, Alabama; and being the same as those described as and/or indicated on Lot 1 in a re-survey rendered May, 1999, original survey rendered January 13, 1999 (file no. 5489), by Samuel J. Martin, Registered Land Surveyor, #12501, P.O. Box 1428, Gardendale, AL 35071;

DO HEREBY DECLARE the above easement 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 hereby.

The undersigned owners do hereby further declare that after vacation of the said public easement located as described above, 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 by the said map, plat or survey, wherein the above described property was dedicated for public purposes. The undersigned furthermore expressly do not intend to disturb the fee simple estate in the above described parcel held by Michael D. Dunnaway and his wife, Roberta S. Dunnaway.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this the ____ day of June, 1999.

<u>Carless Dale Dunnaway</u> (L.S.)	<u>Michael D. Dunnaway</u> (L.S.)
Carless Dale Dunnaway	Michael D. Dunnaway
<u>Jessie Ruth Dunnaway</u> (L.S.)	<u>Roberta S. Dunnaway</u> (L.S.)
Jessie Ruth Dunnaway	Roberta S. Dunnaway
<u>Loraine Dunaway Bowker</u> (L.S.)	<u>Witness</u> 1999-30364 (L.S.)
Loraine Dunaway Bowker	

Nancy P. Deacon
Witness

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Carless Dale Dunnaway, Jessie Ruth Dunnaway, Michael D. Dunnaway, Roberta S. Dunnaway and Loraine Dunaway Bowker, whose names are signed to the foregoing Application and Declaration, and who are known to me, acknowledged before me on this day that, being informed of the contents of the application, they executed the same voluntarily.

Given under my hand and official seal, this the 4 day of June, 1999.

(SEAL)

Notary Public

My Commission Expires

Notary Public, Alabama, State at Large
My Commission Expires September 30, 2000

RESOLUTION OF THE COUNTY COMMISSION
SHELBY COUNTY, ALABAMA

WHEREAS, Carless Dale Dunnaway and his wife, Jessie Ruth Dunnaway; Michael D. Dunnaway and his wife, Roberta S. Dunnaway (being the fee owners of the parcel over which the public easement herein being vacated runs); and Loraine Dunaway Bowker, are the owners of all the property abutting or in any way served by the easement proposed to be vacated, situated in Shelby County, Alabama to-wit:

A fifteen (15) foot wide easement for ingress and egress running along a north-south line across the following described property:

Tract over which easement runs

Commence from the Northwest corner of the East ½ of the Southwest ¼ of the Southwest ¼ of Section 14, Township 19 South, Range 2 West; From thence run South along the West boundary line of said East ½ of the Southwest ¼ of the Southwest ¼ a distance of 229.97 feet; From thence turn left 88°24'35" and run East a distance of 218.97 feet to the POINT OF BEGINNING; Thence, from the last described course, turn right 87°33'45" and run South a distance of 215.0 feet; From thence turn left 89°48'50" and run East a distance of 148.83 feet (*this being a point referred to below along the West boundary line of the easement which is the subject of this Application and Declaration*); From thence turn right 90°11'25" and run South a distance of 92.30 feet; From thence turn left 119°41'10" and run Northeast a distance of 120.0 feet; From thence turn left 106°05'25" and run Northwest a distance of 145.89 feet; From thence turn left 00°05'15" and continue running Northwest for a distance of 209.31 feet to the POINT OF BEGINNING;

Description of easement

The West boundary of the easement which is the subject of this APPLICATION AND DECLARATION OF VACATION OF EASEMENT DEDICATED FOR PUBLIC PURPOSES is situated so that its West boundary line intersects with a *point indicated above; To determine the West boundary of said easement as it runs to the South of that point, approach said point according to the call which immediately preceds its notation in the above description, turn right 90°11'25" and run South a distance of 92.30 feet; To determine the West boundary of said easement as it runs to the North of that point, approach said point according to the call which immediately preceds its notation in the above description, turn left 89°48'35" and run North a distance of 88.74 feet;

The above-described parcel and easement being situated in the Southwest ¼ of the Southwest ¼ of Section 14, Township 19 South, Range 2 West, Shelby County, Alabama; and being the same as those described as and/or indicated on Lot 1 in a re-survey rendered May, 1999, original survey rendered January 13, 1999 (file no. 5489), by Samuel J. Martin, Registered Land Surveyor, #12501, P.O. Box 1428, Gardendale, AL 35071;

WHEREAS, the above named owners are desirous of vacating said easement described above and request that the assent of the County Commission of Shelby County, Alabama be given as required by law in such cases; subject, however, to all existing rights of way or easements for public utilities and to all utility facilities presently situated in said vacated area;

That after vacation of the above described easement, and all public rights and easements therein, convenient means of ingress and egress to and from said property will be afforded to all other property owners owning property in or near the tract of land embraced by the said map, plat or survey, by the remaining streets, avenues or highways dedicated by said map, plat or survey.

NOW THEREFORE, Be It Resolved By the County Commission of Shelby County, Alabama that they do hereby assent to the said Carless Dale Dunnaway and his wife, Jessie Ruth Dunnaway; Michael D. Dunnaway and his wife, Roberta S. Dunnaway (being the fee owners of the parcel over which the public easement herein herein vacated runs); and Loraine Dunaway Bowker, vacating said easement as described above and that the above described easement be and the same is hereby 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 hereby.

STATE OF ALABAMA)
SHELBY COUNTY)

I, Myra DeMarco, Clerk of the County Commission of Shelby County, Alabama, hereby certify that the above and foregoing is a true and correct transcript of a Resolution duly adopted by the County Commission of Shelby County, Alabama, on the 14th day of JUNE, 1999, and that the aforesaid Resolution is duly recorded in Minute Book * at Pages of the official minutes and records of said County Commission of Shelby County, Alabama. * RESOLUTION # 99-06-14-08
Given under my hand and official seal this the 14th day of JUNE, 1999.


Myra DeMarco, Clerk
County Commission of Shelby County, Alabama

RESOLUTION 99-06-14-08A

BE IT RESOLVED, that the Shelby County Commission hereby approves the Application and Declaration of Vacation of Easement Dedicated for Public Purpose in the Dunnaway Family Subdivision - Final Plat matter as submitted. The documents submitted shall be made part of this resolution.

Inst # 1999-30364

4

**07/20/1999-30364
01:39 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CRH 14.00**