

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT OF ADVERSE POSSESSION

Before me, the undersigned authority, a notary public in and for said county, in said state, personally appeared Frank C. Ellis, Jr., who after being by me first duly sworn to tell the truth deposes and says as follows: My name is Frank C. Ellis, Jr. I am the Notary Public who notarized and the attorney who prepared that certain deed dated April 3, 1992, from Bertha Nivens by and through her attorneys-in-fact, Kerry Nivens and Mary Nivens Wooley, in favor of Shelby County which is recorded in Deed Book 400, Page 145 in the Probate Records of Shelby County, a copy of which said Deed is attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein.

By the aforesaid Deed dated April 3, 1992, Shelby County purchased in fee simple the approximate 1.04 acres described in said aforesaid Deed as shown on Exhibit "A". There was a mistake and error in the deed in that the lead sentence indicated that only "a perpetual easement and right-of-way for ingress and egress and installation of utilities over and across the following described property situated in Shelby County, Alabama..." was being conveyed. That was, in fact, a typographical error. The property was actually purchased in fee simple by Shelby County for Forty Thousand Dollars (\$40,000.00). The resolution of the County Commission adopted on March 30, 1992, a copy of which is attached as Exhibit "B" and made part and parcel hereof as fully as if set out herein, indicates the true intent that this was a purchase of the property itself.



Frank C. Ellis, Jr. - Affiant

Sworn to and subscribed before
me on this 19th day of August, 1999.



Notary Public

Inst # 1999-35065

08/20/1999-35065
10:05 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

004 MMS 16.00

EXHIBIT "A"

SEND TAX NOTICE TO:

(Name) Shelby County Commission

P. O. Box 467

(Address) Columbiana, AL 35051

This instrument was prepared by

(Name) Wallace, Ellis, Fowler & Head, Attorneys

(Address) Columbiana, Alabama 35051

Form 1-1-27 Rev. 1-48

WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Forty Thousand and No/100 (\$40,000.00) Dollars, Twenty Thousand and No/100 (\$20,000.00) Dollars due and payable January 15, 1993, and Twenty Thousand and No/100 (\$20,000.00) Dollars paid on the date hereof.

to the undersigned grantor (whether one or more), in hand paid by the grantees herein, the receipt whereof is acknowledged, I or we, Bertha Nivens, by and through her attorneys in fact, Kerry Nivens and Mary Nivens Wooley

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

Shelby County, Alabama

(herein referred to as grantees, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

A perpetual easement and right-of-way for ingress and egress, and installation of utilities over and across the following described property situated in Shelby County, Alabama:

A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 27, and the Northeast 1/4 of the Southeast 1/4 of Section 28, all in Township 19 South, Range 1 West, more particularly described as follows: Commence at the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 27; thence in a northerly direction along the easterly line of said Section 27, a distance of 353.54 feet to the Point of Beginning, said point being on the northeasterly right-of-way line of the Seaboard Coast Line Railroad; thence 49 degrees 44 minutes 10 seconds left in a northwesterly direction along said northeasterly right-of-way line, a distance of 484.40 feet to the intersection with the southwesterly right-of-way line of the new U.S. Highway 280, said point being the beginning of a curve to the left having a radius of 3,064.79 feet; thence in a southeasterly direction along said right-of-way line and curve to the left, a distance of 512.22 feet to end of said curve; thence 38 degrees 38 minutes 47 seconds right from chord of said curve, in a southeasterly direction and along said right-of-way line, a distance of 144.54 feet to the intersection with the northwesterly right-of-way line of Old U.S. Highway 280; thence in a southwesterly direction along said northwesterly right-of-way line to the intersection with the northeasterly right-of-way line of said Seaboard Coast Line Railroad; thence in a northwesterly direction along said northeasterly right-of-way line to the Point of Beginning.

Grantor retains a vendor's lien against the above described property in the amount of Twenty Thousand and No/100 (\$20,000.00) Dollars to secure the balance due on the purchase price, which said balance of Twenty Thousand and No/100 (\$20,000.00) Dollars shall be due and payable on January 15, 1993.

(DESCRIPTION CONTINUED ON REVERSE SIDE)

TO HAVE AND TO HOLD to the said grantees, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, WA have hereunto set OUR hands(s) and seal(s), this 3 day of April, 1992.

Kerry R. Nivens (Seal)
Kerry Nivens, attorney in fact
for Bertha Nivens
Mary Nivens Wooley (Seal)
Mary Nivens Wooley, attorney in fact
for Bertha Nivens (Seal)

Bertha Nivens, by and through her
attorneys in fact:
Kerry R. Nivens (Seal)
Kerry Nivens
Mary Nivens Wooley (Seal)
Mary Nivens Wooley (Seal)

STATE OF ALABAMA

Shelby COUNTY

General Acknowledgment

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Kerry Nivens and Mary Nivens Wooley, attorneys in fact for Bertha Nivens whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3 day of April, A. D., 1992.

James Ellis
Notary Public.

AFFIDAVIT

STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority, a Notary Public in and for said county, in said state, personally appeared the undersigned affiant, who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Kerry Nivens and I am the son of J. F. Nivens. The said J. F. Nivens, who is one in the same person as Frank Nivens, died in Shelby County, Alabama on the 16th day of June, 1975.

Kerry R. Nivens
Affiant

Sworn to and subscribed to before
me on this 3rd day of April, 1992.

Frank G. White
Notary Public

EXHIBIT "B"

MARCH 30, 1992

Exhibit "B" (drawing) is on file in Commission Office.

WATER DEPARTMENT
B-2 BOOSTER PUMP STATION SITE
LAND PURCHASE
RESOLUTION #92-03-30-13

MOTION: Commissioner Armstrong - Adopt Resolution #92-03-30-13.
SECOND: Commissioner Dailey
VOTE ON MOTION: Six (6) yeas: Chairman Archer, Vice Chairman Gravois,
Commissioners Ard, Armstrong, Dailey and Yeager. One (1) nay:
Commissioner Foster MOTION CARRIED

RESOLUTION #92-03-30-13

BE IT RESOLVED, that Shelby County Commission agrees to purchase 1.04 acres of land for B-2 Booster Pump Station site owned by Mrs. J.F. Nivens. As requested, the Commission agrees to make two payments for the property, \$20,000 now and \$20,000 after January 1, 1993.

WATER DEPARTMENT
CONTRACT DOCUMENTS
OAK MOUNTAIN TANK, LINES & BOOSTER STATION
RESOLUTION #92-03-30-14

MOTION: Commissioner Foster - Adopt Resolution #92-03-30-14.
SECOND: Commissioner Armstrong
VOTE ON MOTION: Unanimous MOTION CARRIED

RESOLUTION #92-03-30-14

BE IT RESOLVED by the Shelby County Commission that Leon Archer, Chairman, is authorized to sign Contract Documents for the emergency construction of water works improvements of OAK MOUNTAIN TANK, LINES AND BOOSTER STATION.

WATER DEPARTMENT
T-1 STORAGE TANK
RESOLUTION #92-03-30-15

MOTION: Commissioner Armstrong - Approve Resolution #92-03-30-15.
SECOND: Commissioner Foster
VOTE ON MOTION: Unanimous MOTION CARRIED

RESOLUTION #92-03-30-15

BE IT RESOLVED by the Shelby County Commission that Leon Archer, Chairman, is authorized to sign contract documents for the construction of T-A Storage Tank by Fisher Tank Company in the amount of \$313,900.00.

WATER DEPARTMENT
R.O.W. PERMIT APPLICATIONS
RESOLUTION #92-03-30-16

MOTION: Commissioner Armstrong - Approve Resolution #92-03-30-16.
SECOND: Commissioner Yeager
VOTE ON MOTION: Unanimous MOTION CARRIED

RESOLUTION #92-03-30-16

BE IT RESOLVED that Shelby County Commission authorizes Chairman Leon Archer to execute right-of-way permit applications with Alabama Highway Department for construction of Pump Station B-2.

PERSONNEL DEPARTMENT
PERSONNEL ACTIONS
RESOLUTION #92-03-30-17

MOTION: Commissioner Armstrong - Approve Resolution #92-03-30-17.
SECOND: Vice Chairman Gravois
VOTE ON MOTION: Unanimous MOTION CARRIED

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