

RESOLUTION 02-05-28-09

The following Resolution of Permanent Operation, as follows:

WHEREAS, that certain road as described in the vacation of public road attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, has heretofore been dedicated as a public road, and,

WHEREAS, said road described on Exhibit "A" attached hereto is not located within the limits of any municipality, and

WHEREAS, the sole owner of the land abutting said road which is sought to be vacated has executed the written instrument declaring said road described on Exhibit "A" attached hereto to be vacated, and

WHEREAS, convenient and reasonable means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the said deed recorded in Book 196, Page 161, in the Probate Records of Shelby County, Alabama, by other streets or roads which have been dedicated to public use, and

WHEREAS, it is now desirable and expedient for the Shelby County Commission, being the Commission of the County in which such road is located, to join in and assent to the vacation of said street or alley or portion thereof described on Exhibit "A";

NOW THEREFORE, be it resolved by the Shelby County Commission that the Shelby County Commission does hereby assent to the vacation of said road and that said road encompassed within the bounds thereof as shown on said Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, be, and the same is hereby, dedicated by the Shelby County Commission to be vacated as a public road and all rights of the public and all other person, firms and corporations in and to said road or portion thereof described on said Exhibit "A" are hereby divested.

The above said resolution was introduced by Commissioner Dailey, at the regular meeting of the Shelby County Commission held in Columbiana, Alabama, on the 28th day of May, 2002, and the same having been read in full by the Chairman, it was moved by Member Commissioner Dailey and seconded by Member Commissioner Crockett that all rules governing the Shelby County Commission which might, unless suspended, prevent the passage and adoption of said resolution at this meeting, be and the same are hereby suspended for the purpose of permitting said resolution to be finally passed and adopted at this meeting.

Whereupon the Chairman put the question on said motion for suspension of the rules and on roll call the vote was as follows: Voting yes, Members Commissioner Dailey, Commissioner Allison, Commissioner Armstrong, Commissioner Bice, Commissioner Crockett, Commissioner Dillard. Voting no, none. Thereupon the Chairman declared said motion carried and the rules suspended.

Member Dailey then moved that said Resolution be now placed before the Shelby County Commission for final passage and that if be finally passed and adopted as introduced. Member Crockett seconded the motion. The question being put upon the placing of said Resolution before the Shelby County Commission for its final passage and that said Resolution be finally passed and adopted as introduced, the roll was called with the following results, voting yes, Members Commissioner Dailey, Commissioner Allison, Commissioner Armstrong, Commissioner Bice, Commissioner Crockett, Commissioner Dillard. Voting no, none.

The Chairman then declared said motion carried and resolution finally passed and adopted. The Chairman signed said Resolution in approval thereof.

STATE OF ALABAMA

SHELBY COUNTY

MINUTES FOR PASSAGE OF RESOLUTION OF PERMANENT OPERATION

The following Resolution of Permanent Operation, as follows:

WHEREAS, that certain road as described in the vacation of public road attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, has heretofore been dedicated as a public road, and,

WHEREAS, said road described on Exhibit "A" attached hereto is not located within the limits of any municipality, and

WHEREAS, the sole owner of the land abutting said road which is sought to be vacated has executed the written instrument declaring said road described on Exhibit "A" attached hereto to be vacated, and

WHEREAS, convenient and reasonable means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the said deed recorded in Book 196, Page 161, in the Probate Records of Shelby County, Alabama, by other streets or roads which have been dedicated to public use, and

WHEREAS, it is now desirable and expedient for the Shelby County Commission, being the Commission of the County in which such road is located, to join in and assent to the vacation of said street or alley or portion thereof described on Exhibit "A";

NOW, THEREFORE, be it resolved by the Shelby County Commission that the Shelby County Commission does hereby assent to the vacation of said road and that said

road encompassed within the bounds thereof as shown on said Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, be, and the same is hereby, dedicated by the Shelby County Commission to be vacated as a public road and all rights of the public and all other persons, firms or corporations in and to said road or portion thereof described on said Exhibit "A" are hereby divested.

The above said resolution was introduced by Commissioner Dailey, Commissioner, at the regular meeting of the Shelby County Commission held in Columbiana, Alabama, on the 28th day of May, 2002, and the same having been read in full by the Chairman, it was moved by Member Dailey _____ and seconded by Member Crockett _____

that all rules governing the Shelby County Commission which might, unless suspended, prevent the passage and adoption of said resolution at this meeting, be and the same are hereby suspended for the purpose of permitting said resolution to be finally passed and adopted at this meeting.

Whereupon the Chairman put the question on said motion for suspension of the rules and on roll call the vote was as follows: Voting yes, Members Dailey,
Allison, Armstrong, Bice, Crockett, Dillard.

Voting No, Members None _____.

Thereupon the Chairman declared said motion carried and the rules suspended.

Member Dailey _____ then moved that said Resolution be now placed before the Shelby County Commission for final passage and that it be finally passed and adopted as introduced. Member Crockett _____

seconded the motion. The question being put upon the placing of said Resolution before the Shelby County Commission for its final passage and that said Resolution be finally passed and adopted as introduced, the roll was called with the following results, voting yes, Members Wiley, Allison, Armstrong, Bice, Cochet, Dillard Voting no, Members None.

The Chairman then declared said motion carried and resolution finally passed and adopted. The Chairman signed said Resolution in approval thereof.

ATTEST:

Kim Reynolds
Clerk

George Wiley
Chairman, Shelby County Commission

STATE OF ALABAMA

SHELBY COUNTY

PETITION FOR VACATION OF ROAD

The undersigned, Southern Electric Generating Company, being the sole owner of the land abutting that part of a certain road described in the vacation of public road attached hereto as Exhibit "A" and made a part and parcel hereof as fully as if set out herein, does hereby petition the Shelby County Commission to ratify and confirm said vacation of public road and to declare said road, described on Exhibit "A" attached hereto, to be vacated and does hereby further represent and show unto the Commission that said road is not located within the confines of any city or municipal limits, is located in Shelby County, Alabama, and that convenient and reasonable means of ingress and egress to and from the property has been afforded to all other property owners owning property in the tract of land described in said deed as recorded in Book 196, page 161, in the Probate Records of Shelby County, Alabama. Your petitioner further shows that said part of the road described on Exhibit "A", which is requested to be vacated, is actually located entirely on the real property of the undersigned, and does not provide ingress or egress to any person, firm or corporation to any real property abutting the same other than that of the undersigned. Such vacation of said part of said road shall and will not deprive other property owners of such right as they may have to convenient and reasonable means of ingress and egress to and from their property, such right being afforded by the remaining streets and alleys.

WHEREFORE, PREMISES CONSIDERED, your petitioner prays that the Shelby County Commission will, by resolution, declare said road described on Exhibit "A" to be vacated.

IN WITNESS WHEREOF, the undersigned, by its duly authorized representative, does hereby set its hand and seal on this the 9th day of January, 2002.

SOUTHERN ELECTRIC GENERATING COMPANY

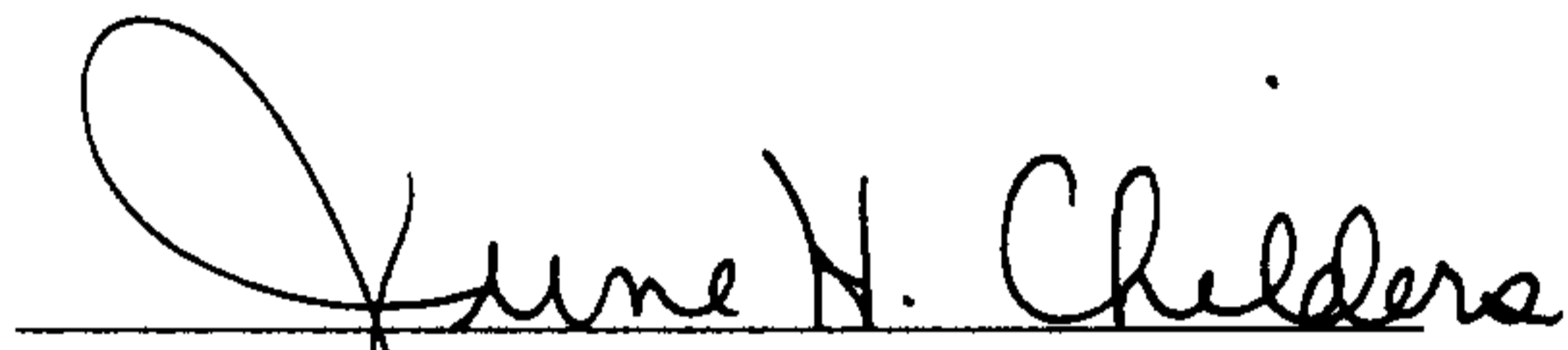
William J. Hutchins, Jr.
Vice President

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William B. Hutchins, III, whose name as Vice President of Southern Electric Generating Company, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal the 9th day of January, 2002.



Notary Public

My commission expires **My Commission Expires**
10 • 29 • 2003

Exhibit "A"

STATE OF ALABAMA

SHELBY COUNTY

VACATION OF PUBLIC ROAD

The undersigned, Southern Electric Generating Company, being the sole owner of the land abutting that certain part of that certain road, as recorded in Book 196, page 161 in the Probate Records of Shelby County, Alabama, as described in the deed attached hereto as Exhibit "1" and made part and parcel hereof as fully as if set out herein, does hereby execute this instrument declaring that certain road to be vacated so as to destroy the force and effect of the dedication of said part of said road by said deed recorded in Book 196, page 161 in said Probate Records, so as to divest all public rights, including any rights which may have been acquired by prescription or dedication, in and to said part of said road.

Such vacation of said part of said road shall and will not deprive other property owners of such right as they may have to convenient and reasonable means of ingress and egress to and from their property, such right being afforded by the remaining streets and alleys.

IN WITNESS WHEREOF, the undersigned, through its duly authorized representative, does hereby set its hand and seal on this the 9th day of January 2002.

SOUTHERN ELECTRIC GENERATING COMPANY

William S. Hutchins, Jr.

Vice President

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William B. Hutchins III, whose name as Vice President of Southern Electric Generating Company, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal the 9th day of January, 2002.

June H. Childers
Notary Public

My Commission Expires
10 • 29 • 2003
My commission expires _____.

Parcel C-5
196 164

1960-07-1953

DEC 20 1983

STATE OF ALABAMA
TALLADEGA COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of Three Thousand and no/100 Dollars (\$3,000.00) to the undersigned grantor, Coosa River Newsprint Company, in hand paid by Southern Electric Generating Company, a corporation, the receipt whereof is hereby acknowledged, Coosa River Newsprint Company does grant, bargain, sell, and convey unto Southern Electric Generating Company the following described properties in Shelby County, Alabama, less and except the coal in and under said properties which has heretofore been conveyed by Coosa River Newsprint Company to Alabama Property Company by deed dated April 30, 1956:

Ten (10) acres, more or less, situated in the south-east quarter of Section 13, Township 21 South, Range 4 West, more particularly described as follows: Starting at the northeast corner of the southeast quarter of the southeast quarter of Section 13, Township 21 South, Range 4 West, as a point of beginning, thence northerly along the section line a distance of 466.69 feet, thence westerly a distance of 466.69 feet, thence southerly a distance of 933.38 feet, thence easterly a distance of 466.69 feet to the section line, thence northerly along the section line a distance of 466.69 feet to the point of beginning.

Ten (10) acres, more or less, constituting the north half of north half of the southwest quarter of southwest quarter of Section 18, Township 21 South, Range 3 West.

Northwest quarter of southwest quarter of Section 18,
Township 21 South, Range 3 West.

The conveyance of the properties described herein is subject to an existing easement for a road, the center line of which is more particularly described as follows:

Begin at a point where such road crosses the south boundary of the above described lands lying in Section 13, Township 21 South, Range 4 West, which point is 13 feet east of the southwest corner of the above described lands lying in said Section 13 and 468 feet south 56 degrees west from the southwest corner of the northwest quarter of the southwest quarter of Section 18, Township 21 South, Range 3 West, and run thence along such road north 53 degrees 30 minutes east for a distance of 174.7 feet; run thence south 64 degrees east for a distance of 102.30 feet; run thence south 88 degrees and 45 minutes east for a distance of 318.78 feet; run thence north 57 degrees and 15 minutes east for a distance of 106.92 feet; run thence north 39 degrees and 30 minutes east for a distance of 320.76 feet; run thence north 19 degrees

and 30 minutes east for a distance of 79.86 feet; run thence north 5 degrees and 45 minutes west for a distance of 289.08 feet; run thence north 6 degrees and 45 minutes east for a distance of 91.74 feet; run thence north 52 degrees and 30 minutes east for a distance of 274.56 feet; run thence north 65 degrees and 30 minutes east for a distance of 311.52 feet; run thence north 70 degrees and 45 minutes east for a distance of 347.82 feet to a point where such road crosses the east line of the northwest quarter of the southwest quarter of such Section 18.


TO HAVE AND TO HOLD unto the said Southern Electric Generating Company, its successors and assigns, forever.

And Coosa River Newsprint Company does itself, and for its successors and assigns, covenant with Southern Electric Generating Company, its successors and assigns, that it is lawfully seized and possessed of said properties, that they are free from all encumbrances except as stated above and except for ad valorem taxes due October 1, 1959, that it has a good right to sell and convey the same as aforesaid, that it will, and its successors and assigns shall, warrant and defend the same unto Southern Electric Generating Company, its successors and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Coosa River Newsprint Company has caused these presents to be executed by P. A. Bachelder, its Vice President, duly authorized thereto, and attested by W. Ray Williams, its Assistant Secretary, who affixed its corporate seal hereto, being duly authorized thereto, on this the 8 day of October, 1958.

COOSA RIVER NEWSPRINT COMPANY

ATTEST:


Its Assistant Secretary

By


Its Vice President

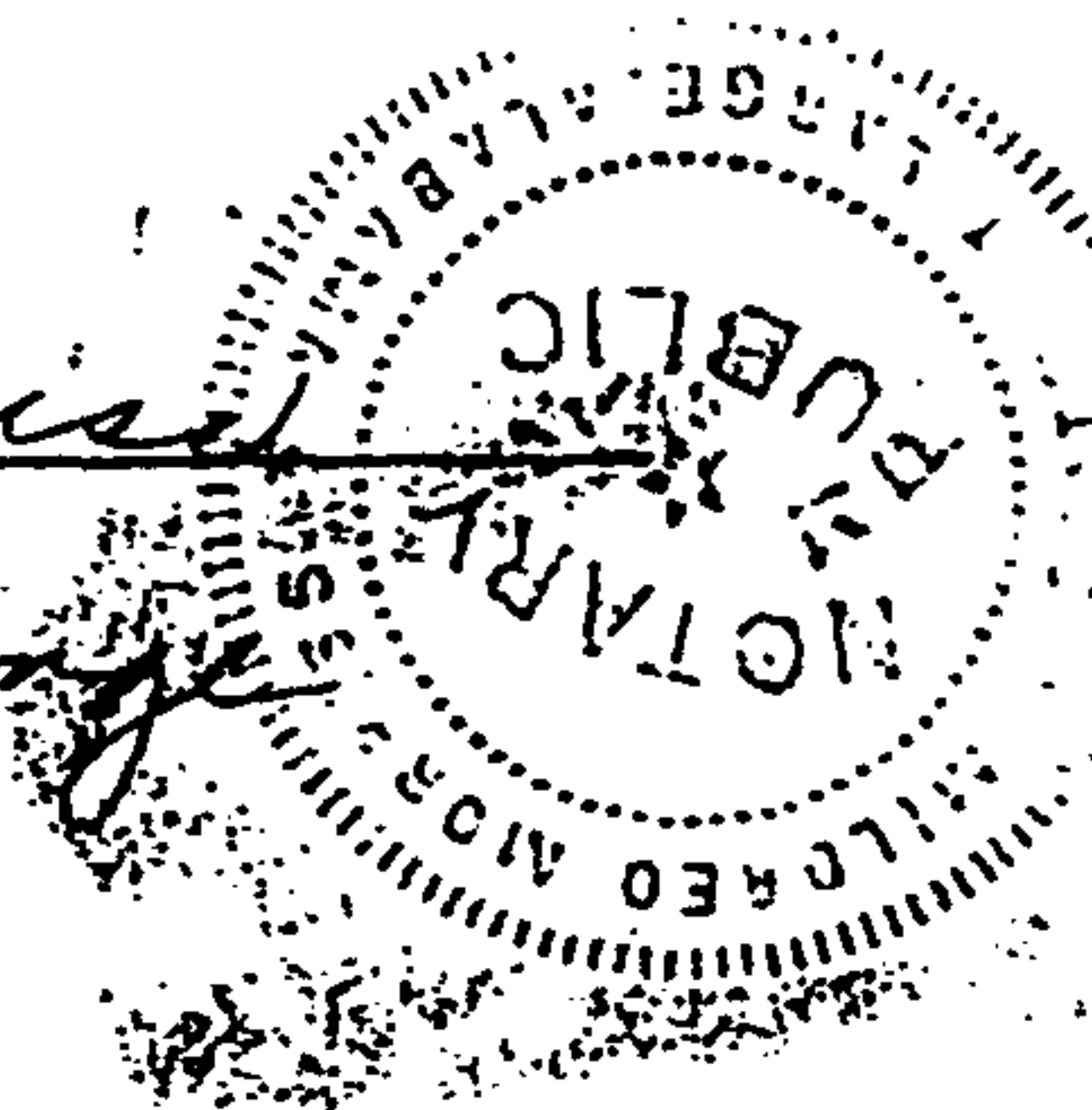
3.

STATE OF ALABAMA }
TALLALEGA COUNTY }

I, *Mildred Morris*, a Notary Public in and for
said County, in said State, hereby certify that P. A. Bachelder, whose
name as Vice President of Coosa River Newsprint Company, a corporation,
is signed to the foregoing conveyance, and who is known to me, acknowl-
edged before me on this day that, being informed of the contents of the
conveyance, he, as such officer and with full authority, executed the
same voluntarily for and as the act of said corporation.

Given under my hand this 8 day of October, 1958.

Mildred Morris
Notary Public
Antenna at Large



X Alabama, Shelby County
L. R. Walker, Judge of Probate hereby certify that the within *deed* was filed in this office for record the *16*
1958 at *Shelby County, Ala.* and recorded in *deed* Record *196* .. *161* .. examined *10-22-58*
10-22-58 and the Mortgage Tax of \$ *2.00* Decd To *J. E. Walker* has been paid. Judge of Probate