

Mayor Roy introduced the following Resolution:

RESOLUTION NO. R-2002-21

WHEREAS, a declaration signed by Clark Carter does hereby request the Mayor, owners of the lands abutting the hereinafter described portion of streets and/or alleys situated in the City of Calera, County of Shelby, State of Alabama, vacating said streets or portions of streets, has been duly presented to the City Council of the City of Calera, Alabama, for assent and approval of said governing body, said declaration attached being hereto affixed, marked "Exhibit A," and made a part hereof and

WHEREAS, the street or alley referred to are more particularly described as follows:

Second Street between Block 208 and Block 209 according to J. H. Dunstan's map of the Town of Calera, Alabama

WHEREAS, it appears to the City Council of the City of Calera, Alabama, that the vacation of said street or alley are in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners owning properties in the subdivision embraced in said map of Dunstan's Survey of the City of Calera, Alabama. Subject, however to all existing right-of-way or easements for public utilities and to all utility

facilities presently situated in said area vacated, subject to this provision.

Council Member Morrison moved that unanimous consent of the Council be given for immediate action upon Resolution No. R-2002-21.

Council Member Phillips seconded said motion and upon vote, the results were as follows:

AYES: Roy, Morrison, Phillips, Jones, Glasgow

NAYS: None

Thereupon, the Mayor declared said motion carried and unanimous consent given for the consideration of said Resolution.

Council Member Glasgow moved that Resolution No. R-2002-21 be adopted. Council Member Jones seconded said motion and upon vote, the results were as follows:

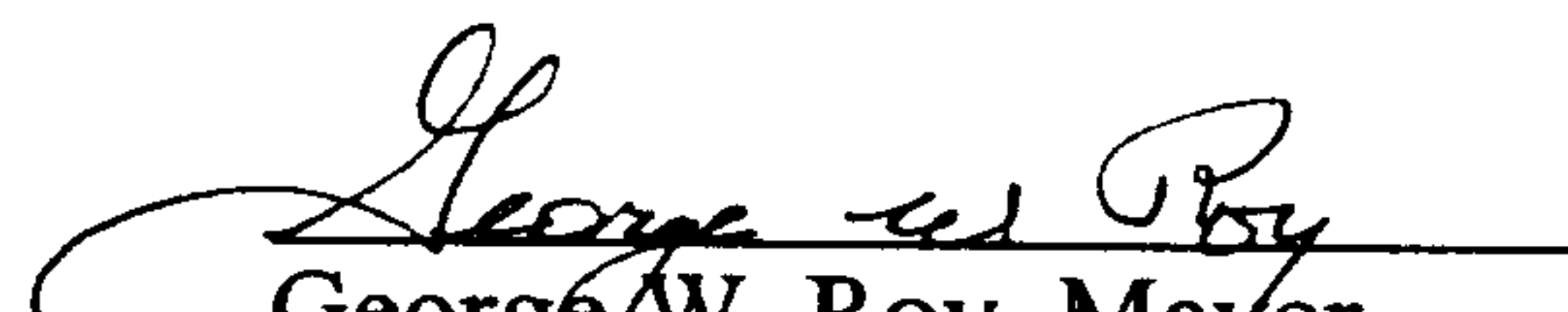
AYES: Roy, Glasgow, Jones, Morrison, Phillips

NAYS: None

Mayor Roy declared Resolution No. R-2002-21 adopted.

Adopted this 16th day of September 2002.


Linda Steele, City Clerk


George W. Roy, Mayor

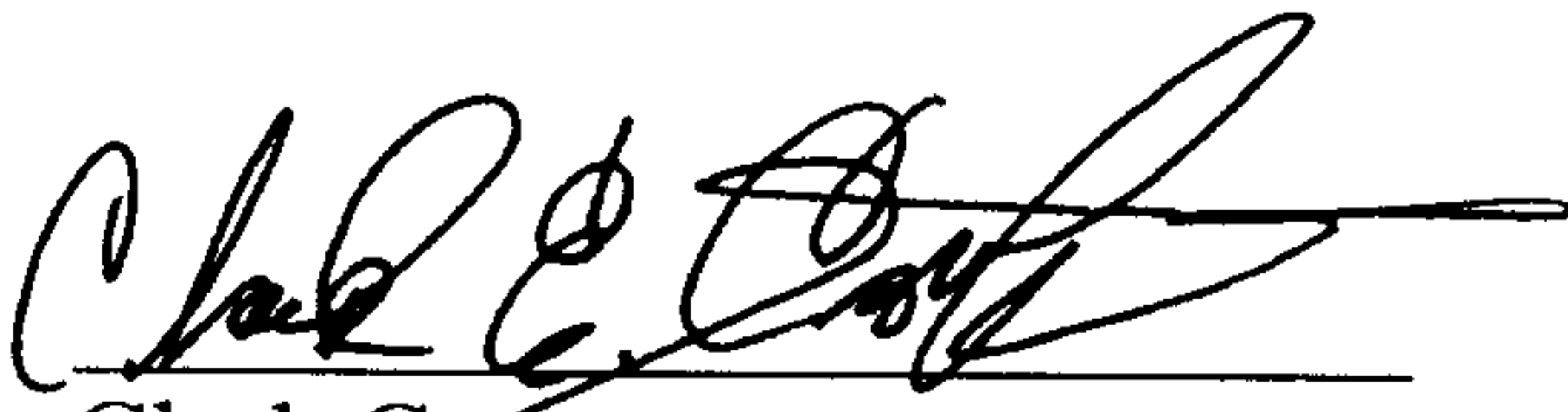
REQUEST TO VACATE STREET

I, Clark Carter do hereby request the Mayor and Council of the City of Calera, Alabama to vacate the following described right-of-way:

Second Street between Block 208 and Block 209 according to J. H. Dunstan's map of the Town of Calera, Alabama

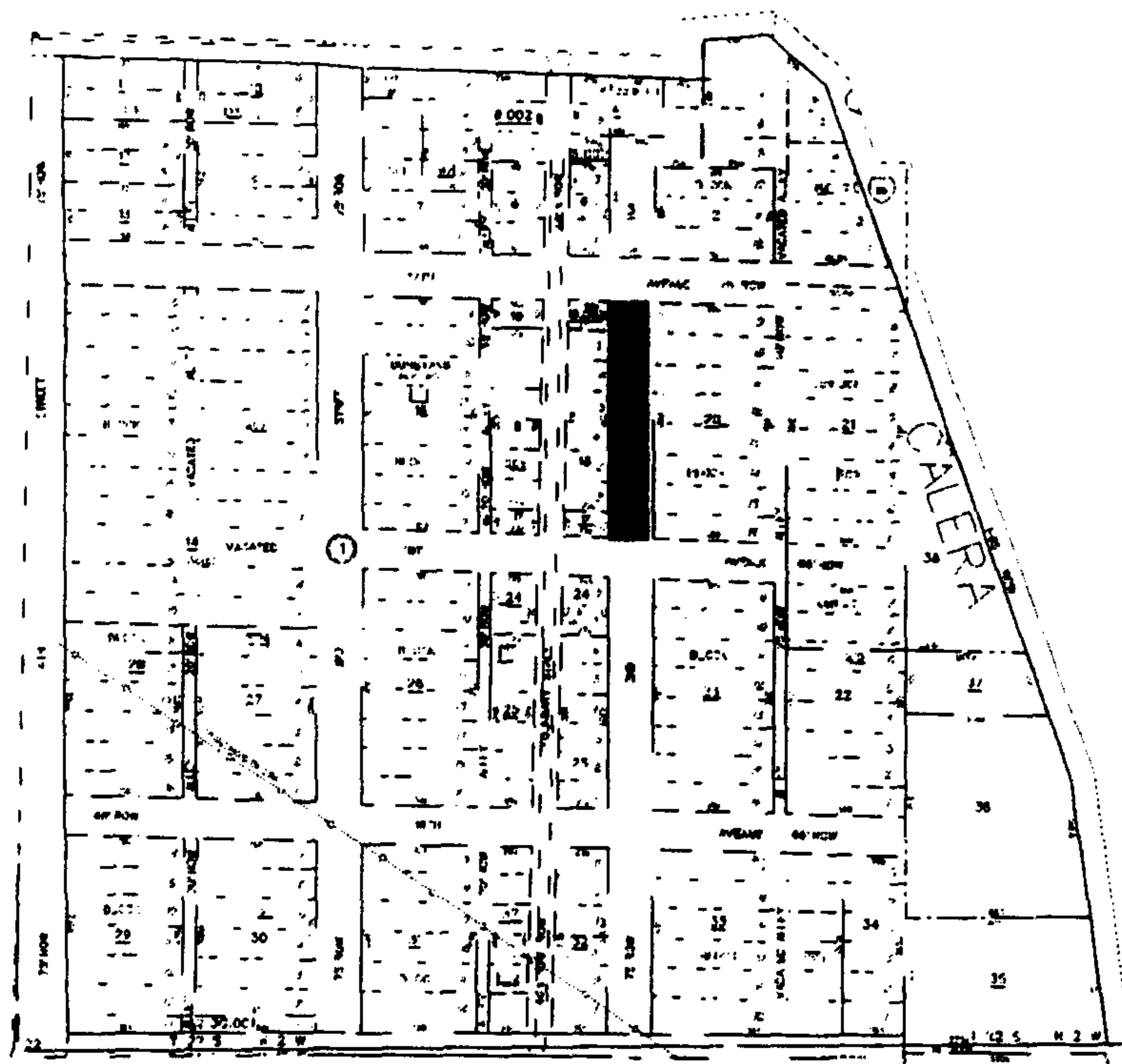
I further certify that I am the sole property owner adjacent to said right-of-way and the vacation of this right-of-way would not deny ingress and egress to other property owners owning properties in the subdivision embraced in said J. H. Dunstan's map of the Town of Calera, Alabama.

Done this 6 day of September, 2002.

A handwritten signature in black ink, appearing to read 'Clark Carter', written over a horizontal line.

Clark Carter

OWNERSHIP MAP
COUNTY OF SHELBY
STATE OF ALABAMA
DEPARTMENT OF REVENUE
AD VALOREM TAX DIVISION
INTERGRAPH CORPORATION
HUNTSVILLE, ALABAMA
SHELBY COUNTY MAPPING DEPT

[illegible]

SECTION 22
COPY 2 FILE 2 PAGE 2 MAT
-30-20-22-22-22-

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA



ELLIS GENTRY,
MARY GENTRY,

Plaintiff,

vs.

CASE NO.: CV97-066

GENE CARTER, ET AL.,

Defendant.

ORDER

This matter came on for trial on July 28, 1998. The issue joined by the pleadings in this matter and between the parties is the ownership of certain parcels of property. This matter was heard without a jury. Upon consideration of the testimony and evidence presented in this matter by the parties, the Court finds that Clark Carter and Doris Carter have been in adverse possession of the subject property for a period in excess of 20 years. It is hereby

ORDERED, ADJUDGED and DECREED as follows:

1. Clark Carter and Doris Carter are the owners of the property in dispute in this lawsuit, that is, all of Lot #8, Lot #208, Dunstan's map of Calera that lies of east of Foundry Road.
2. Plaintiffs do not own any portion of property east of Foundry Road. All the subject property which adjoins the Carter property has been adversely possessed by the Carters.
3. Clark Carter and Doris Carter properly had timber cut from the subject property and any and all funds presently held by E&M Timber and Trucking Company shall be paid directly to Clark Carter and Doris Carter.
4. The Clerk of this Court, within 30 days of the entry of this judgment, shall file a certified copy of this judgment for record in the Probate Court of Shelby County, Alabama, to be filed and indexed in the same matter in which deeds are recorded. The expense of said filing and recording shall be taxed as cost in this case.

06/05/2001-22817

11:22 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

002 MB

14.00

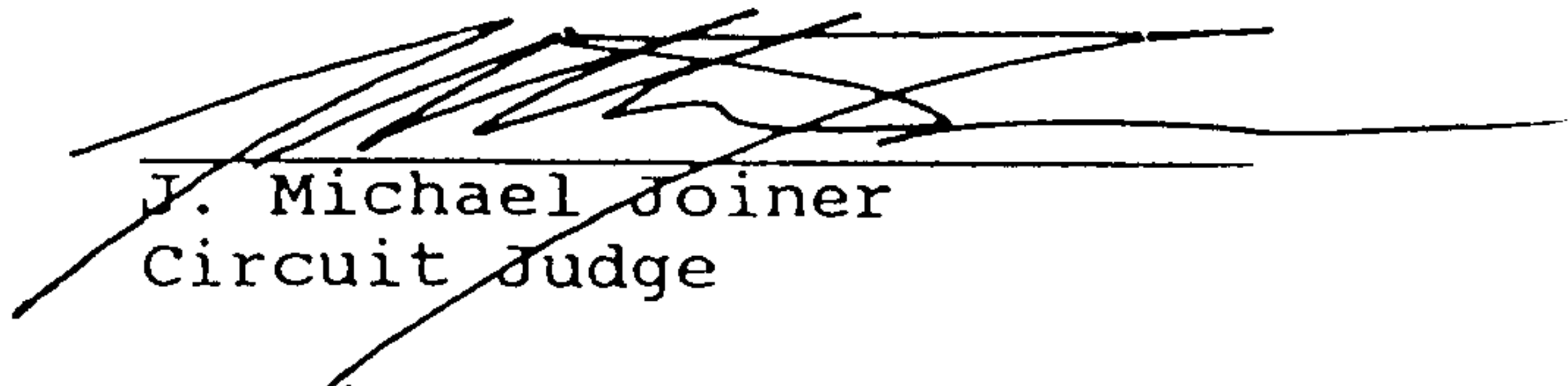
Inst. # 2001-22817

5. The judgment in this matter shall be indexed in the State Court as follows:

Wilma Gail Scott (daughter of Ellis Gentry) and Ellis Gentry in the direct index and Clark Carter and Doris Carter in the reverse index.


Cost are taxed as paid.

DONE and ORDERED this 11th day of September, 1998.


J. Michael Joiner
Circuit Judge

Certified a true and correct copy

Date: 6/5/01


Mary H. Harris, Circuit Clerk
Shelby County, Alabama

Inst # 2001-22817

06/05/2001-22817
11:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MB 14.00

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ELLIS GENTRY,
MARY GENTRY,

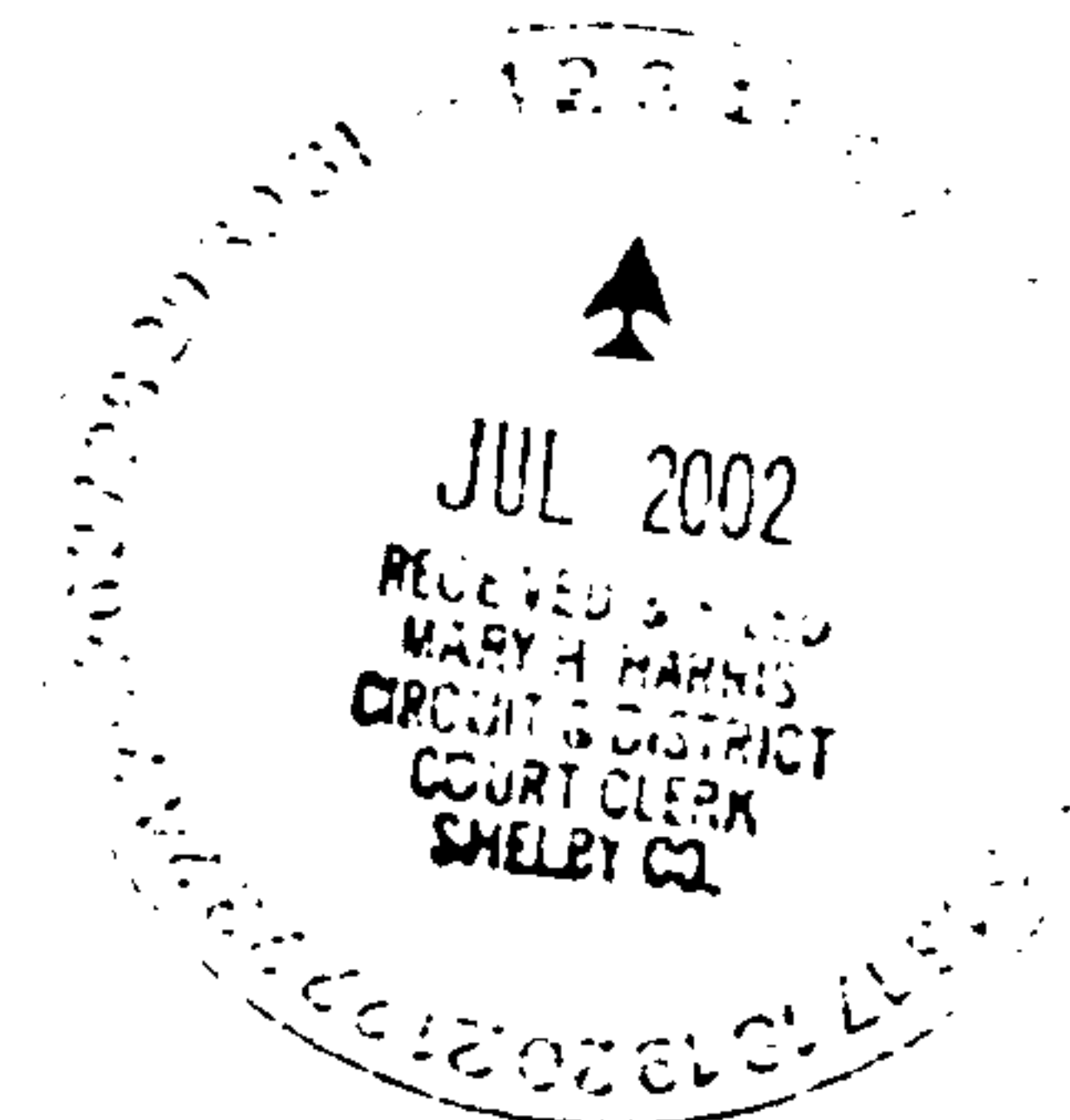
Plaintiff,

vs.

GENE CARTER, et al.

Defendant.

Case no: CV 97-066



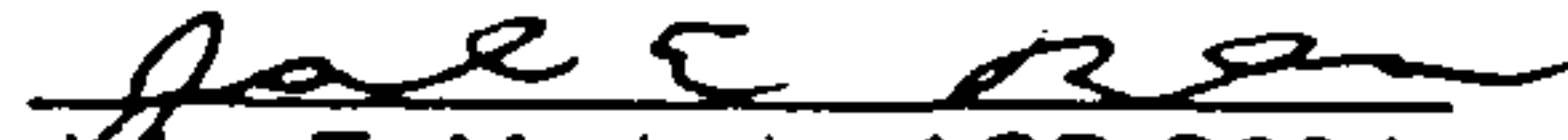
MOTION TO CORRECT CLERICAL ERROR

Comes now Defendant, Gene Carter pursuant to Rule 60 of the Alabama Rules of Civil Procedure and respectfully requests the Court to correct a clerical or scrivener's error on the legal description in the Order of September 11, 1998.

That #1 reads as follows: That Clark Carter and Doris Carter are the owners of the property in dispute in this lawsuit, that is, all of Lot # 8, Lot # 208, Dunstan's Map of Calera that lies east of Foundry Road. This is incorrect

That #1 should read as follows: That Clark Carter and Doris Carter are the owners of the property in dispute in this lawsuit, that is, all of Lot 8 Block 208, Dunstan's Map of Calera that lies east of Foundry Road.

Respectfully Submitted


John E. Medaris ASB S80J
230 Bearden Road
Pelham, Alabama 35124
(205) 663-1584

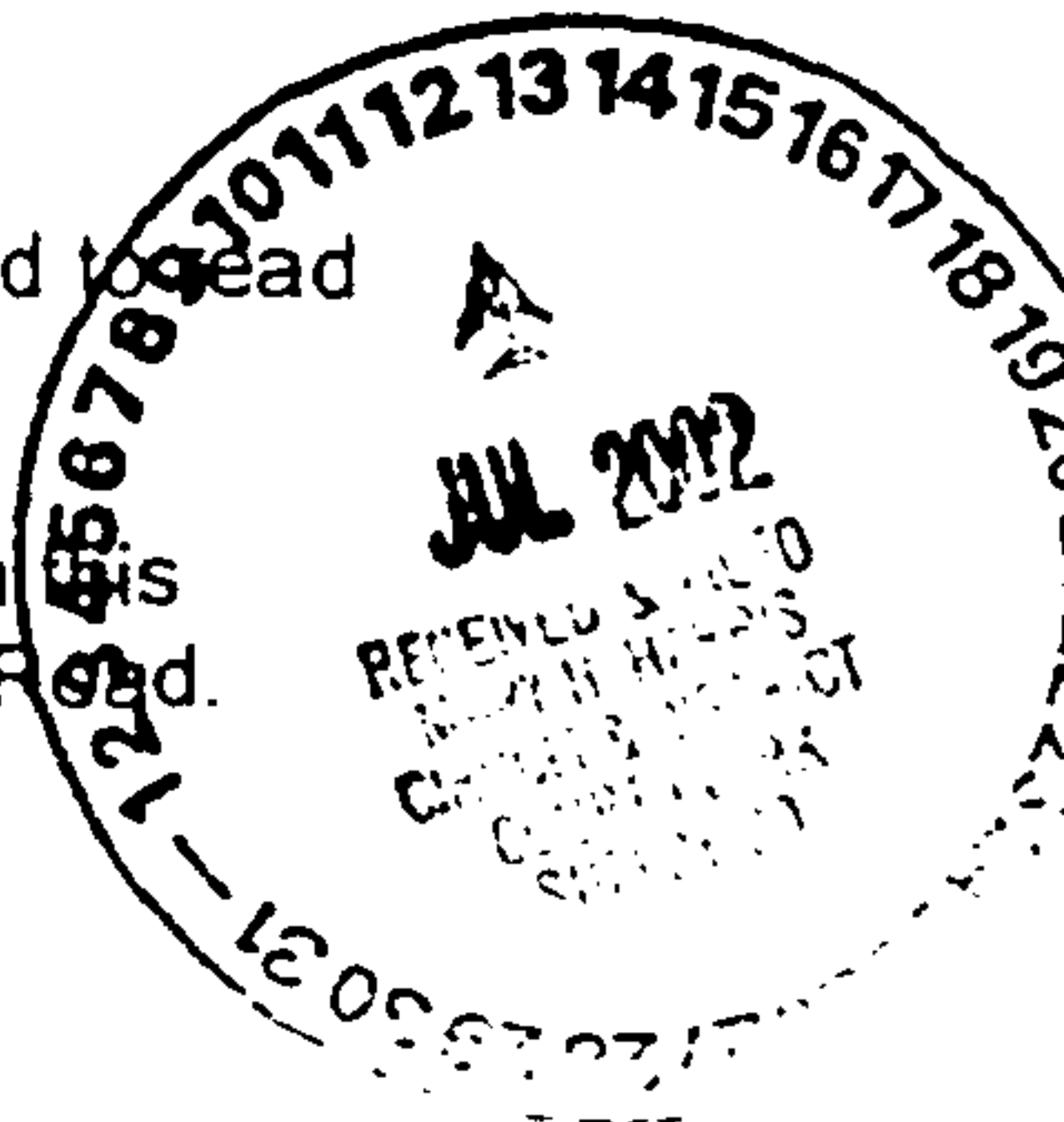
ORDER ON MOTION TO CORRECT

It is hereby Ordered, Adjudged and Decreed that number 1 (1.) shall be amended to read as follows:

1. That Clark Carter and Doris Carter are the owners of the property in dispute in this lawsuit, that is, all of Lot 8 Block 208, Dunstan's Map of Calera that lies east of Foundry Road.

DONE and ORDERED this the 12th day of July, 2002


J. Michael Joiner
Circuit Court Judge



CERTIFICATION OF POSTING

I, Linda Steele, City Clerk of the City of Calera, Alabama do hereby certify that the foregoing Resolution is a true and correct copy of the Resolution adopted by the City Council of the City of Calera, Alabama on The 16th day of September 2002, as the same appears in the official record of minutes of the City of Calera Council meeting.

Given under my hand this 16th day of September 2002.


Linda Steele, City Clerk

I, Linda Steele, City Clerk of the City of Calera, Alabama do hereby certify that the foregoing Resolution was duly posted at the following locations:

Calera City Hall
Calera Post Office
Calera Public Library
Associated Foods


Linda Steele, City Clerk

09/17/02
Date Posted