

**APPLICATION FOR PARTIAL VACATION OF PUBLIC RIGHT-OF-WAY  
DEDICATED FOR PUBLIC PURPOSES**

\*\*\*\*\*

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 public right-of-way 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,

SEE EXHIBIT A

does (do) hereby declare the above public right-of-way 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 public right-of-way 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.

This Application may be executed in counterparts, all of which together shall constitute one application binding on the parties hereto, notwithstanding that all parties are not signatories to the original or to the same counterpart.

\* **IN TESTIMONY AND WITNESS WHEREOF**, the party hereunto has signed and affixed its hand and seal this declaration of vacation on this the 23 day of July, ~~1999~~ 2002.

EX: Mary W. Autrey Lott  
Mary W. Autrey Lott

ACHESON PROPERTIES, LLC

BY: \_\_\_\_\_  
Thomas M. Acheson, Its Member

This application is contingent upon (i) the approval by the City of Hoover Planning and Zoning Commission of a final record plat of the lands which border the portion of the subject road which is to be vacated pursuant to this application, (ii) the execution of said final record plat by the owners of record of said lands and the recordation of said final record plat in the Probate Offices of Jefferson County and Shelby County, Alabama, and (iii) the approval by the City Council of the City of Hoover of the applications for rezoning and conditional use approval which have been filed by CarMax Auto Superstores, Inc. with respect to the properties which are adjacent to said roadway for the development thereof for the sale of previously owned vehicles.

*City of Hoover*

**EXHIBIT A**  
**TO APPLICATION FOR PARTIAL VACATION OF PUBLIC RIGHT-OF-WAY**

A parcel of land situated in the Northwest Quarter of the Northwest Quarter of Section 26, Township 19 South, Range 3 West, Huntsville Meridian, Shelby County, Alabama, and being more particularly described as follows;

Commence at the southwest corner of the Northwest Quarter of the Northwest Quarter of Section 26, Township 19 South, Range 3 West, Huntsville Meridian, Shelby County, Alabama; thence run North 06° 42' 09" East, along the west boundary line of said quarter-quarter, for a distance of 1263.14 feet to the southeasterly right-of-way line of Highway 150 (right-of-way width varies); thence, leaving said west line, run North 84° 28' 56" East, along said Highway 150 right-of-way, for a distance of 26.40 feet to the southerly right-of-way line of Cahaba River Estates Road (right-of-way width 50 feet) and the **POINT OF BEGINNING**; thence run South 58° 00' 25" East, along said right-of-way, for a distance of 115.46 feet to the Point of Curvature of a curve to the left, having a radius of 496.91 feet, a central angle of 24° 03' 51", a chord length of 207.17 feet and a chord bearing of South 70° 04' 25" East; thence continue along the arc of said curve, and said right-of-way, for a distance of 208.70 feet to the Point of Tangency of said curve; thence run South 84° 52' 50" East, along said right-of-way, for a distance of 350.27 feet to the Point of Curvature of a curve to the right, having a radius of 165.79 feet, a central angle of 30° 00' 41", a chord length of 85.85 feet and a chord bearing of South 68° 03' 56" East; thence continue along the arc of said curve, and said right-of-way, for a distance of 86.84 feet to the Point of Tangency of said curve; said point also being the easterly right-of-way line of the relocated Cahaba River Estates Road (right-of-way width varies); thence, leaving said southerly right-of-way line, run North 35° 21' 49" West, along said westerly right-of-way line, for a distance of 53.86 feet; thence run North 38° 47' 31" West for a distance of 45.49 feet to the northerly right-of-way of Cahaba River Estates Road (right-of-way width 50 feet); said point also being the Point of Curvature of a curve to the left, having a radius of 239.05 feet, a central angle of 08° 20' 56", a chord length of 34.80 feet and a chord bearing of North 80° 59' 15" West; thence continue along the arc of said curve, and said northerly right-of-way line, for a distance of 34.83 feet to the Point of Tangency of said curve; thence run North 85° 09' 43" West, along said right-of-way, for a distance of 328.96 feet to the Point of Curvature of a curve to the right, having a radius of 358.44 feet, a central angle of 30° 07' 00", a chord length of 186.25 feet and a chord bearing of North 70° 06' 13" West; thence continue along the arc of said curve, and said right-of-way, for a distance of 188.41 feet to the Point of Tangency of said curve; thence run North 58° 02' 59" West, along said right-of-way, for a distance of 89.99 feet to the southeasterly right-of-way line of Highway 150 (right-of-way width varies); thence, leaving said northerly right-of-way line, run South 59° 15' 25" West, along said southeasterly right-of-way line, for a distance of 55.71 feet to the **POINT OF BEGINNING**; said described tract containing 34,143 Square Feet (0.78 Acres) more or less.

EXHIBIT A  
TO APPLICATION FOR PARTIAL VACATION OF PUBLIC RIGHT-OF-WAY

That portion of Cahaba River Estates Drive (Shelby County Highway 271) which is to be vacated extends from the southeasterly boundary of the right-of-way of Alabama Highway #150, in a southeasterly direction, to its intersection with the southwesterly boundary of the newly relocated right-of-way of Cahaba River Estates Drive (Shelby County Highway 271), and is depicted on the site plan which has been filed with the applications for rezoning and conditional use approval by CarMax Auto Superstores, Inc. with respect to the properties which are adjacent to said roadway.



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\* IN TESTIMONY AND WITNESS WHEREOF, the party hereunto has signed and affixed its hand and seal this declaration of vacation on this the \_\_\_\_\_ day of \_\_\_\_\_, ~~199~~ 2002.

BY: \_\_\_\_\_  
Mary W. Autrey Iott

ACHESON PROPERTIES, LLC

BY:  \_\_\_\_\_  
Thomas M. Acheson, Its Member

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**RESOLUTION NO. 2751-02**

**WHEREAS, Mary W. Autrey Lott and Thomas M. Acheson** are the owners of all the property abutting or adjacent to the following described partial public right-of-way proposed to be vacated, situated in Jefferson County, Alabama, to-wit:

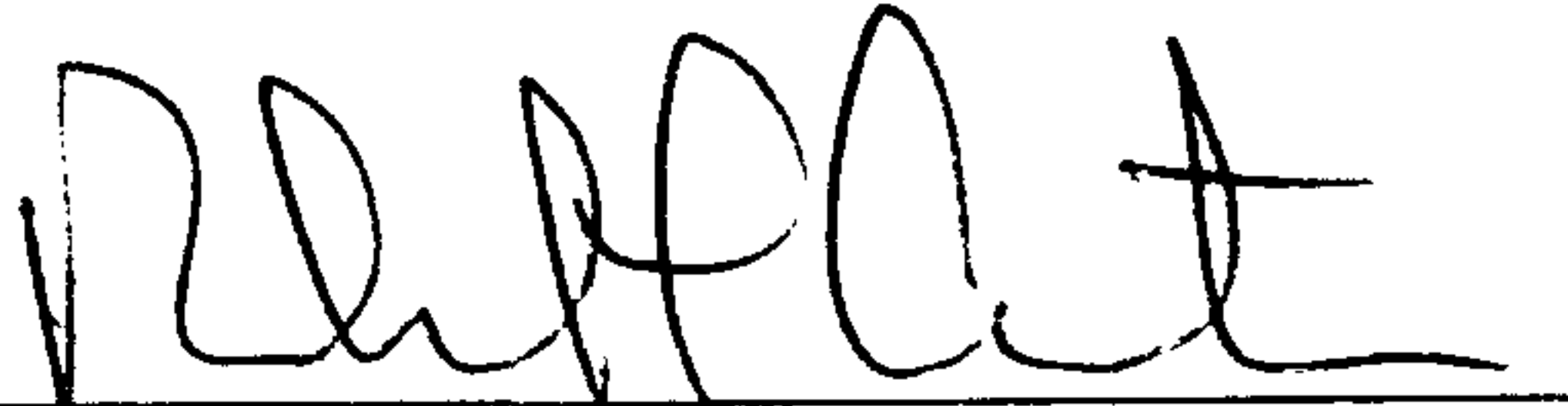
**SEE ATTACHED EXHIBIT "A"**

**WHEREAS,** the above owners are desirous of vacating of said partial public right-of-way 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 partial public right-of-way the owners of the described easement must provide convenient means of ingress and egress to and from the property 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 partial public right-of-way as above described and that the same is hereby vacated and annulled and all public rights and rights-of-way herein are hereby divested.

**ADOPTED** this 19th day of August 2002.

  
\_\_\_\_\_  
President of the Council

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**ATTESTED BY:**

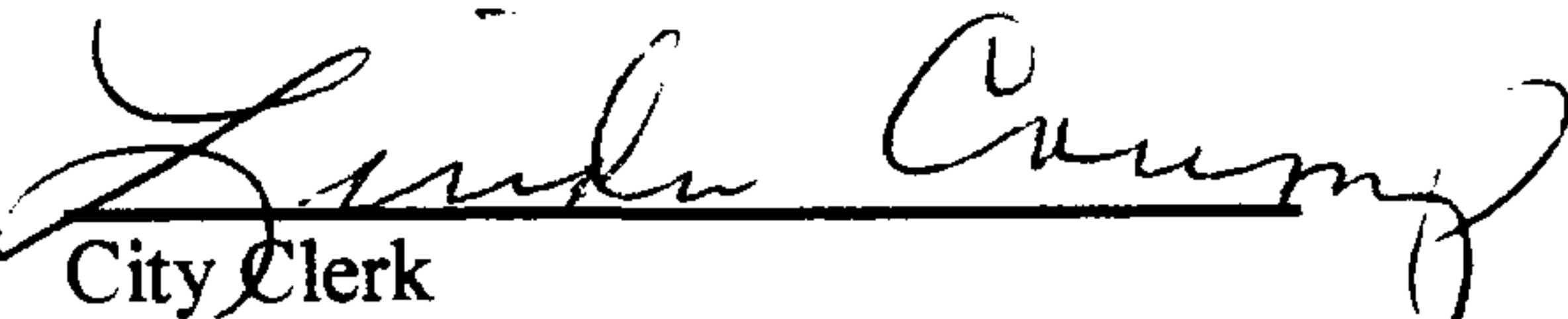
  
\_\_\_\_\_  
City Clerk

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**State of Alabama - Jefferson County**  
**I certify this instrument filed on:**

2002 NOV 22 P.M. 16:27

Recorded and \$	Mtg. Tax
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and \$  
\$ 27.00 Total \$ 27.00

**MICHAEL F. BOLIN, Judge of Probate**



200263/6533 BESS

## CERTIFICATION

I, Linda H. Crump, City Clerk for the City of Hoover, Alabama, do hereby certify that the attached is a true and correct copy of **Resolution No. 2751-02** which was adopted by the Hoover City Council at their regular meeting held on Monday, August 19, 2002.

  
Linda Crump