

CASE NO. \_\_\_\_\_

STATE OF ALABAMA     )

SHELBY COUNTY         )

**DECLARATION OF VACATION**

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned, **Shelby Land Partners, LLC**, an Alabama limited liability company, and **Mark E. Osborn**, an individual resident of the State of Alabama, each owning an undivided one-half interest in and to all lands abutting the public ways herein declared vacated, do hereby declare that the following described public ways vacated and divested out of the public:

That portion of Interstate Drive (10th Avenue S.E.), as more particularly described on **Exhibit A** attached hereto; and

All public roads, whether dedicated by deed or by prescriptive use, located within that parcel of land more particularly described on **Exhibit B** attached hereto, including specifically, the extension of Interstate Drive to the Spence Property, 9th Place, Pumphouse Road (also known as 9th Court S.E.), and Stacy Drive.

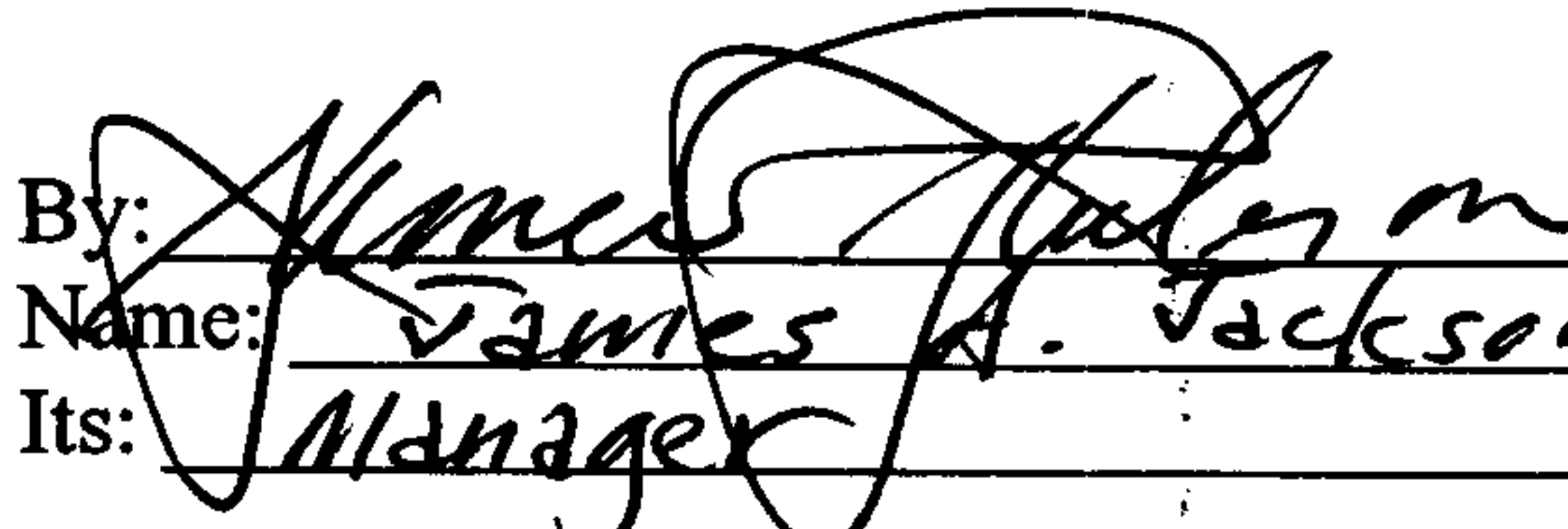
The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said ways as the governing body of the City of Alabaster may see fit to specify in a resolution of assent.

The said owners do further declare that after the vacation hereinabove declared, convenient and reasonable means of ingress and egress to and from their property will be afforded to all other property owners of any properties affected by such vacation by the remaining public way dedicated to the public for public way purposes. Specifically, the abutting landowners do hereby agree to allow the Spence Property more particularly described in **Exhibit C** a temporary easement for ingress and egress along Interstate Drive and the dirt road extension of Interstate Drive to the Spence Property until such time as the construction of the new public road is completed to such an extent that the owners and occupants of the Spence Property shall have a convenient and reasonable means of ingress and egress to and from their property in accordance with Alabama Code Section 23-4-20(a). The temporary easement for access shall automatically expire without any further documentation upon the construction of the new public road which shall provide convenient and reasonable access to the Spence Property.

**SIGNATURE PAGE**  
**TO THE**  
**DECLARATION OF VACATION**

**IN WITNESS WHEREOF**, the said undersigned have hereunto set their hands and seals, this the 22nd day of March, 2004.

**SHELBY LAND PARTNERS, LLC**

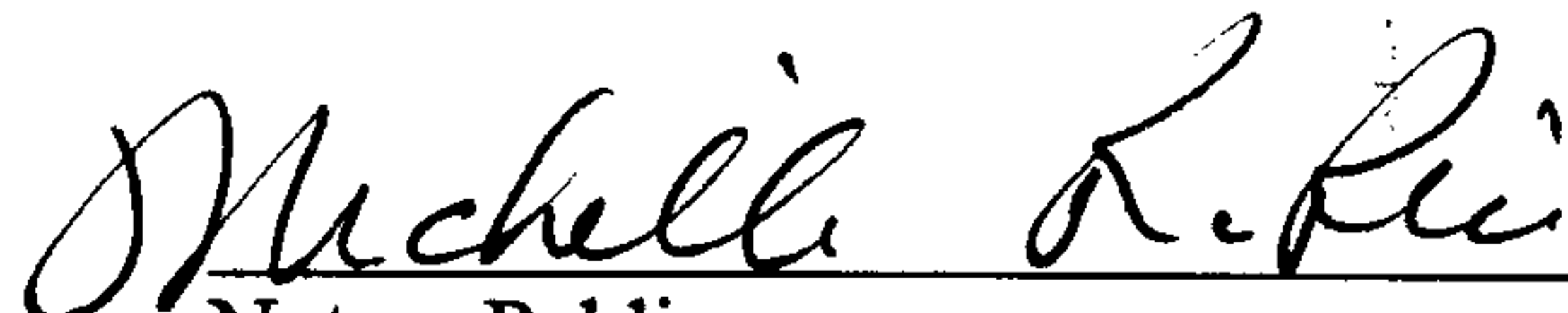
By:   
Name: James P. Jackson  
Its: Manager

STATE OF ALABAMA        )

SHELBY COUNTY            )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that James P. Jackson, whose name as authorized agent of Shelby Land Partners, LLC, an Alabama limited liability company, is signed to the foregoing Declaration of Vacation and who is known to me, acknowledged before me on this day that, being informed of the contents of the Declaration of Vacation, he, in his capacity as such agent and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

Given under my hand this the 22nd day of March, 2004.

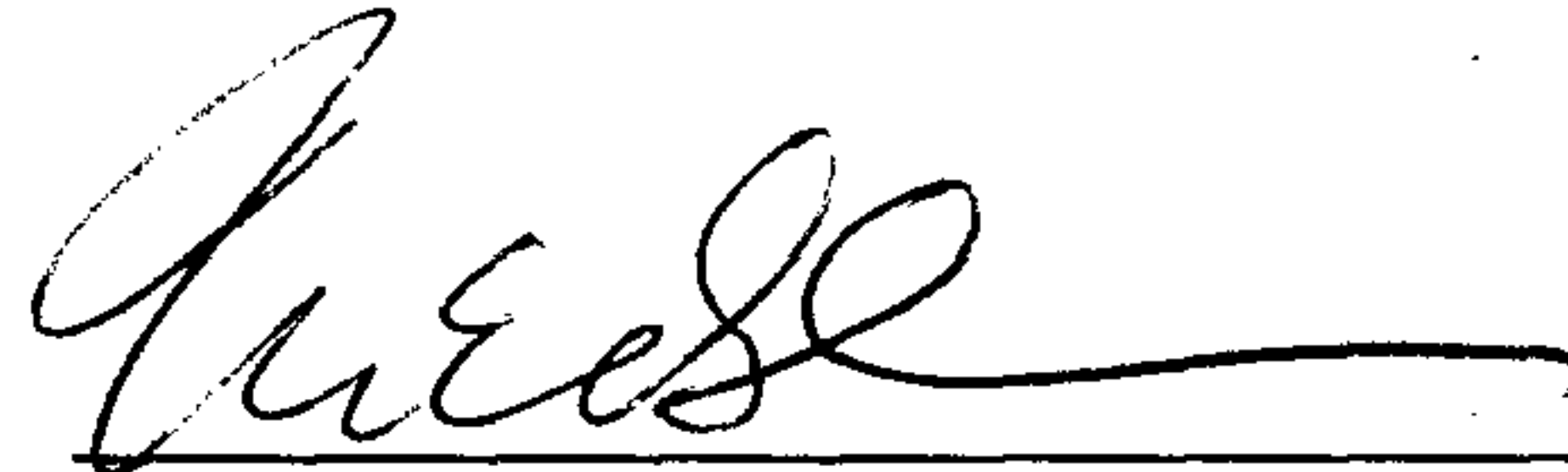
  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: 2/7/04

**SIGNATURE PAGE**  
**TO THE**  
**DECLARATION OF VACATION**

**IN WITNESS WHEREOF**, the said undersigned have hereunto set their hands and seals, this the 22nd day of March, 2004.




**Mark E. Osborn**

STATE OF ALABAMA      )

SHELBY COUNTY         )

I, the undersigned, a Notary Public, hereby certify that Mark E. Osborn, whose name is signed to the foregoing Declaration of Vacation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Declaration of Vacation, he executed the same voluntarily on the day the same bears date.

Given under my hand this 22nd day of March, 2004.

  
Notary Public

[NOTARIAL SEAL]

My Commission Expires: 2/17/07



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**OF**  
**PORTION OF INTERSTATE DRIVE TO BE VACATED**

A portion of Interstate Drive Right-of-Way situated in the East 1/2 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 1965.36 feet to a point on the Easterly Right-of-Way line of Interstate Drive (10<sup>th</sup> Avenue Southeast); thence 84°15'29" to the right in a Northerly direction along said Right-of-Way line a distance of 512.42 feet to the POINT OF BEGINNING of the parcel described herein; thence 93°28'49" to the left in a Westerly direction (leaving said Right-of-Way line) a distance of 7.07 feet to the P.C. (point of curve) of a curve to the right having a radius of 25.00 feet and a central angle of 88°00'27"; thence in a Westerly, Northwesterly and Northerly direction along the arc of said curve a distance of 38.40 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 1600.00 feet and a central angle of 9°18'27"; thence in a Northerly direction along the arc of said curve a distance of 259.91 feet to a point on the Westerly Right-of-Way line of said Interstate Drive said point lying on a curve to the right having a radius of 994.93 feet and a central angle of 9°23'19"; thence 17°12'31" to the right (angle measured to tangent) in a Northerly direction along the arc of said curve and along said Right-of-Way line a distance of 163.03 feet to the P.T. (point of tangent) of said curve; thence 90° to the left (angle measured to tangent) in a Westerly direction along said Right-of-Way line a distance of 10.00 feet to a point; thence 90° to the right in a Northerly direction along said Right-of-Way line a distance of 520.73 feet to a point; thence 90° to the right in an Easterly direction along said Right-of-Way line a distance of 10.00 feet to a point; thence 90° to the left in a Northerly direction along said Right-of-Way line a distance of 448.53 feet to the P.C. (point of curve) of a curve to the right having a radius of 1949.86 feet and a central angle of 24°00'00"; thence in a Northerly and Northeasterly direction along the arc of said curve and along said Right-of-Way line a distance of 816.76 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northeasterly direction along said Right-of-Way line a distance of 371.03 feet to a point on the Southerly Right-of-Way line of an unnamed drive; thence 54°48'26" to the right in an Easterly direction along the Southerly Right-of-Way line of said unnamed drive a distance of 97.89 feet to a point on the Easterly Right-of-Way line of said Interstate Drive; thence 125°11'34" to the right in a Southwesterly direction along the Easterly Right-of-Way line of said Interstate Drive a distance of 427.45 feet to the P.C. (point of curve) of a curve to the left having a radius of 1869.86 feet and a central angle of 24°00'00"; thence in a Southwesterly and Southerly direction along the arc of said curve and along said Right-of-Way line a distance of 783.25 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction along said Right-of-Way line a distance of 969.26 feet to the P.C. (point of curve) of a curve to the left having a

radius of 914.93 feet and a central angle of  $11^{\circ}49'00''$ ; thence in a Southerly direction along the arc of said curve and along said Right-of-Way line a distance of 188.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction along said Right-of-Way line a distance of 235.57 feet to the POINT OF BEGINNING.

Containing 205,178 Square feet or 4.710 Acres.

**EXHIBIT B**  
**LEGAL DESCRIPTION**  
**OF**  
**ENTIRE PARCEL**

**PARCEL I**  
**LEGAL DESCRIPTION**

A parcel of land situated in the Northeast 1/4, the Southeast 1/4 and the Southwest 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, said point being the POINT OF BEGINNING of the parcel described herein; thence continue in a Westerly direction along the South line of said Section 1 (leaving said Interstate Drive Right-of-Way) a distance of 282.10 feet to a point on the Northeasterly Right-of-Way line of U.S. Highway No. 31; thence  $37^{\circ}21'23''$  to the right in a Northwesterly direction along the Northeasterly Right-of-Way line of said U.S. Highway No. 31 a distance of 240.61 feet to a concrete Right-of-Way monument; thence  $1^{\circ}35'30''$  to the left in a Northwesterly direction along said Right-of-Way line a distance of 499.72 feet to a concrete Right-of-Way monument at the intersection of said Right-of-Way line and the Easterly Right-of-Way line of Interstate Highway No. 65; thence  $28^{\circ}21'35''$  to the right in a Northwesterly direction along the Easterly Right-of-Way line of said Interstate Highway No. 65 a distance of 162.31 feet to a concrete Right-of-Way monument; thence  $27^{\circ}44'36''$  to the right in a Northerly direction along said Right-of-Way line a distance of 630.36 feet to a concrete Right-of-Way monument; thence  $12^{\circ}13'40''$  to the right in a Northerly direction along said Right-of-Way line a distance of 572.42 feet to a concrete Right-of-Way monument; thence  $13^{\circ}28'52''$  to the right in a Northeasterly direction along said Right-of-Way line a distance of 1591.01 feet to a concrete Right-of-Way monument; thence  $30^{\circ}35'37''$  to the right in a Northeasterly direction along said Right-of-Way line a distance of 173.96 feet to a point; thence  $30^{\circ}30'08''$  to the left in a Northeasterly direction along said Right-of-Way line a distance of 552.94 feet to a point; thence  $84^{\circ}23'49''$  to the right (leaving said Right-of-Way line) in a Southeasterly direction a distance of 881.93 feet to a point; thence  $90^{\circ}00'$  to the right in a Southwesterly direction a distance of 259.45 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 17.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 82.97 feet to the P.C. (point of curve) of a curve to the right having a radius of 105.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 33.78 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 114.90 feet to the P.C. (point of curve) of a curve to



the right having a radius of 105.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 33.78 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 82.97 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 17.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 204.86 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $87^{\circ}26'32''$ ; thence in a Southwesterly, Southerly and Southeasterly direction along the arc of said curve a distance of 83.94 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 72.00 feet and a central angle of  $118^{\circ}23'41''$ ; thence in a Southeasterly, Southerly and Southwesterly direction along the arc of said curve a distance of 148.78 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $30^{\circ}57'07''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 24.31 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 307.13 feet to the P.C. (point of curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $40^{\circ}14'52''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 31.61 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 72.00 feet and a central angle of  $80^{\circ}29'58''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 101.16 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $40^{\circ}15'09''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 31.61 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 263.14 feet to a point; thence  $90^{\circ}00'00''$  to the right in a Northwesterly direction a distance of 196.66 feet to a point; thence  $95^{\circ}00'00''$  to the left in a Southwesterly direction a distance of 111.29 feet to the P.C. (point of curve) of a curve to the left having a radius of 60.00 feet and a central angle of  $70^{\circ}36'50''$ ; thence in a Southwesterly, Southerly and Southeasterly direction along the arc of said curve a distance of 73.95 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 70.00 feet and a central angle of  $96^{\circ}14'51''$ ; thence in a Southeasterly, Southerly and Southwesterly direction along the arc of said curve a distance of 117.59 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 60.00 feet and a central angle of  $50^{\circ}38'01''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 53.02 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 320.64 feet to the P.C. (point of curve) of a curve to the right having a radius of 65.00 feet and a central angle of  $43^{\circ}14'23''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 49.05 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 20.06 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $48^{\circ}14'23''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 46.31 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 578.42 feet to a point; thence  $93^{\circ}42'51''$  to the right in a Westerly direction a distance of 491.10 feet to the P.C. (point of curve) of a curve to the left having a radius of 25.00 feet and a central angle of  $86^{\circ}31'11''$ ; thence in a Westerly, Southwesterly and Southerly direction along the arc of said curve a distance of 37.75 feet to the P.T. (point of tangent) of said curve, said point lying on the Easterly Right-of-Way line of Interstate Drive; thence  $90^{\circ}00'$  to the right in a Westerly direction (leaving said

Easterly Right-of-Way line) a distance of 80.00 feet to a point on the Westerly Right-of-Way line of said Interstate Drive; thence  $90^{\circ}00'$  to the left in a Southerly direction along the Westerly Right-of-Way line of said Interstate Drive a distance of 74.94 feet to a point on the Northeasterly line of a 100 foot Alabama Power Company Right-of-Way; thence  $153^{\circ}08'27''$  to the right in a Northwesterly direction along the Westerly Right-of-Way line of said Interstate Drive and the Northeasterly line of said Alabama Power Company Right-of-Way a distance of 22.13 feet to a point; thence  $153^{\circ}08'27''$  to the left in a Southerly direction (leaving the Northeasterly line of said 100 foot Alabama Power Company Right-of-Way) along the Westerly Right-of-Way line of said Interstate Drive a distance of 364.54 feet to the POINT OF BEGINNING.

Containing 97.555 Acres.

## PARCEL II LEGAL DESCRIPTION

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of Section 12, Township 21 South, Range 3 West; thence in a Westerly direction along the North line of said Section 12 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, said point being the POINT OF BEGINNING of the parcel described herein; thence  $95^{\circ}44'31''$  to the left in a Southerly direction along said Right-of-Way line a distance of 26.81 feet to a point; thence  $90^{\circ}$  to the right in a Westerly direction along said Right-of-Way line a distance of 20.00 feet to the P.C. (point of curve) of a curve to the right having a radius of 236.40 feet and a central angle of  $51^{\circ}30'00''$ ; thence  $90^{\circ}$  to the left (angle measured to tangent) in a Southerly and Southwesterly direction along the arc of said curve and along said Right-of-Way line a distance of 212.48 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction along said Right-of-Way line a distance of 5.64 feet to a point at the intersection of said Right-of-Way line and the Northeasterly Right-of-Way line of U.S. Highway No. 31, said point lying on a curve to the left having a radius of 2391.83 feet and a central angle of  $0^{\circ}51'45''$ ; thence  $89^{\circ}07'45''$  to the right (angle measured to tangent) in a Northwesterly direction along the arc of said curve and along said U.S. Highway No. 31 Right-of-Way line a distance of 36.01 feet to a concrete Right-of-Way monument at the end of said curve; thence  $11^{\circ}28'57''$  to the right (angle measured to tangent) in a Northwesterly direction along said Right-of-Way line a distance of 125.19 feet to a point; thence  $45^{\circ}33'51''$  to the right in a Northeasterly direction (leaving said Right-of-Way line) a distance of 99.06 feet to a point on the North line of Said section 12; thence  $78^{\circ}55'43''$  to the right in an Easterly direction a distance of 169.10 feet to the POINT OF BEGINNING.

Containing 28,560 Square Feet or 0.656 Acre.



### PARCEL III

#### LEGAL DESCRIPTION

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of Section 12, Township 21 South, Range 3 West; thence in a Westerly direction along the North line of said Section 12 a distance of 2224.92 feet to the POINT OF BEGINNING of the parcel described herein; thence  $78^{\circ}55'33''$  to the left in a Southerly direction a distance of 99.06 to a point on the Northeasterly Right-of-Way line of U.S. Highway No. 31; thence  $134^{\circ}26'09''$  to the right in a Northwesterly direction along said Right-of-Way line a distance of 65.00 feet to a concrete Right-of-Way monument; thence  $18^{\circ}09'03''$  to the left in a Northwesterly direction along said Right-of-Way line a distance of 71.92 feet to a point at the intersection of said Right-of-Way line and the North line of said Section 12; thence  $142^{\circ}38'37''$  to the right in an Easterly direction along said Section line (leaving said Right-of-Way) a distance of 113.00 feet to the POINT OF BEGINNING.

Containing 4,764 Square Feet or 0.109 Acre.

#### LESS AND EXCEPT PARCEL LEGAL DESCRIPTION

A portion of Interstate Drive Right-of-Way situated in the Southwest 1/4 of the Southeast 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, thence  $84^{\circ}15'29''$  to the right in a Northerly direction along said Right-of-Way line a distance of 364.54 feet to a point on the Northeasterly line of a 100 foot Alabama Power Company Right-of-Way; thence  $153^{\circ}08'27''$  to the right in a Southeasterly direction along the Westerly Right-of-Way line of said Interstate Drive and the Northeasterly line of said Alabama Power Company Right-of-Way a distance of 22.13 feet to a point; thence  $153^{\circ}08'27''$  to the left in a Northerly direction (leaving the Northeasterly line of said 100 foot Alabama Power Company Right-of-Way) along the Westerly Right-of-Way line of said Interstate Drive a distance of 74.94 feet to the POINT OF BEGINNING of the parcel described herein; thence continue along the last described course and along the Westerly Right-of-Way line of said Interstate Drive a distance of 319.21 feet to the P.C. (point of curve) of a curve to the right having a radius of 994.93 feet and a central angle of  $2^{\circ}25'41''$ ; thence in a Northerly direction along the arc of said curve and along the Westerly Right-of-Way line of said Interstate Drive a distance of 42.16 feet to a point, said point lying on a curve to the right having a radius of 1600.00 feet and a central angle of  $9^{\circ}18'27''$ ; thence  $162^{\circ}47'29''$  to the right (angle measured from tangent to tangent) in a Southeasterly and Southerly direction along the arc of said curve (leaving the Westerly Right-of-Way line of said Interstate Drive) a distance of 259.92 feet to the P.R.C. (point of reverse curve)

of a curve to the left having a radius of 25.00 feet and a central angle of  $88^{\circ}00'27''$ ; thence in a Southerly, Southeasterly and Easterly direction along the arc of said curve a distance of 38.40 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in an Easterly direction a distance of 7.07 feet to a point on the Easterly Right-of-Way line of Interstate Drive ; thence  $93^{\circ}28'49''$  to the right in a Southerly direction along the Easterly Right-of-Way line of said Interstate Drive a distance of 83.64 feet to a point; thence  $90^{\circ}$  to the right in a Westerly direction (leaving the easterly Right-of-Way line of said Interstate Drive) a distance of 80.00 feet to the POINT OF BEGINNING.

Containing 14,802 Square Feet or 0.340 Acre.

File: ALABASTER-OVERALL-ALTA-031804.doc

**EXHIBIT C**  
**LEGAL DESCRIPTION**  
**OF**  
**SPENCE PROPERTY**

A tract of land in the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 1, Township 21, Range 3 West. Begin 621 feet East of the Southwest corner and run East 260 feet, Northeast 800 feet, West 260 feet, Southwest 800 feet to point of beginning.



## CERTIFICATION

I, Marsha Massey, the duly appointed and acting Clerk of the City of Alabaster, Alabama, do hereby certify that the within Resolution Number 040504-A is a true copy as attached in the City Clerk's Minute Book and was duly published in the Shelby County Reporter or posted by me as provided by law in three public places in said City, being on the bulletin board at City Hall, on the bulletin board at the Alabaster Water Board, and on the bulletin board at the Albert L. Scott Public Library.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 7 day of April, 2004.

Marsha Massey  
Marsha Massey, City Clerk



Subscribed and sworn to before me in my  
presence, this 8th day of April  
2004.  
Notary Public in and for the  
County of Shelby State of Alabama  
Rebecca H. Posey  
Notary Public  
My commission expires 9-3-05



Councilman Hines introduced the following Resolution

**STATE OF ALABAMA     )**

**SHELBY COUNTY        )**

**RESOLUTION NO. 040504-A**

**WHEREAS, Shelby Land Partners, LLC**, an Alabama limited liability company, and **Mark E. Osborn**, an individual resident of the State of Alabama, each owning an undivided one-half interest in and to all lands abutting the public way, Interstate Drive (10th Avenue S.E.), as more particularly described on the attached **Exhibit A**, and all public ways, whether dedicated by deed or by prescriptive use, located within that parcel of land more particularly described on the attached **Exhibit B**, including specifically, the extension of Interstate Drive to the Spence Property, 9th Place, Pumphouse Road (also known as 9th Court S.E.), and Stacey Drive, situated in the City of Alabaster, Shelby County, Alabama, have duly presented to the City Council of the City of Alabaster, Alabama, for assent and approval, a declaration of the vacation of public ways signed by such owners pursuant to the provisions of Section 23-4-20(a) of the Code of Alabama (1975); and

**WHEREAS**, it appears to this Council that said declarants are the owners of all land abutting on the portion or portions of public way or ways declared vacated by said Declaration of Vacation and that after the vacation of the said portion or portions of said public way or ways, convenient means of ingress and egress to and from their property will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes; now, therefore,

**BE IT RESOLVED** by the Council of the City of Alabaster as follows:

1. That, subject to the conditions and reservations hereinafter set out, the assent of this Council be and hereby is given and granted to the vacation of the portion or portions of public way or ways declared vacated in the above-referenced Declaration of Vacation, pursuant to the provision of Section 23-4-20(a) of the Code of Alabama (1975).
2. That the foregoing assent be and is hereby given upon condition that any entity, including the City of Alabaster, which may now own or rightfully maintain any public utility, facility, line or installation in any portion of any public way hereinabove mentioned, shall have a right and easement to continue to maintain same in its present location therein, and to have convenient means of ingress and egress to and therefrom for said purposes.

**APPROVED:**



**Rick Walters, Council President**



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**OF**  
**PORTION OF INTERSTATE DRIVE TO BE VACATED**

A portion of Interstate Drive Right-of-Way situated in the East 1/2 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 1965.36 feet to a point on the Easterly Right-of-Way line of Interstate Drive (10<sup>th</sup> Avenue Southeast); thence 84°15'29" to the right in a Northerly direction along said Right-of-Way line a distance of 512.42 feet to the POINT OF BEGINNING of the parcel described herein; thence 93°28'49" to the left in a Westerly direction (leaving said Right-of-Way line) a distance of 7.07 feet to the P.C. (point of curve) of a curve to the right having a radius of 25.00 feet and a central angle of 88°00'27"; thence in a Westerly, Northwesterly and Northerly direction along the arc of said curve a distance of 38.40 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 1600.00 feet and a central angle of 9°18'27"; thence in a Northerly direction along the arc of said curve a distance of 259.91 feet to a point on the Westerly Right-of-Way line of said Interstate Drive said point lying on a curve to the right having a radius of 994.93 feet and a central angle of 9°23'19"; thence 17°12'31" to the right (angle measured to tangent) in a Northerly direction along the arc of said curve and along said Right-of-Way line a distance of 163.03 feet to the P.T. (point of tangent) of said curve; thence 90° to the left (angle measured to tangent) in a Westerly direction along said Right-of-Way line a distance of 10.00 feet to a point; thence 90° to the right in a Northerly direction along said Right-of-Way line a distance of 520.73 feet to a point; thence 90° to the right in an Easterly direction along said Right-of-Way line a distance of 10.00 feet to a point; thence 90° to the left in a Northerly direction along said Right-of-Way line a distance of 448.53 feet to the P.C. (point of curve) of a curve to the right having a radius of 1949.86 feet and a central angle of 24°00'00"; thence in a Northerly and Northeasterly direction along the arc of said curve and along said Right-of-Way line a distance of 816.76 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northeasterly direction along said Right-of-Way line a distance of 371.03 feet to a point on the Southerly Right-of-Way line of an unnamed drive; thence 54°48'26" to the right in an Easterly direction along the Southerly Right-of-Way line of said unnamed drive a distance of 97.89 feet to a point on the Easterly Right-of-Way line of said Interstate Drive; thence 125°11'34" to the right in a Southwesterly direction along the Easterly Right-of-Way line of said Interstate Drive a distance of 427.45 feet to the P.C. (point of curve) of a curve to the left having a radius of 1869.86 feet and a central angel of 24°00'00"; thence in a Southwesterly and Southerly direction along the arc of said curve and along said Right-of-Way line a distance of 783.25 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction along said Right-of-Way line a distance of 969.26 feet to the P.C. (point of curve) of a curve to the left having a radius of 914.93 feet and a central angle of 11°49'00"; thence in a Southerly direction along the



arc of said curve and along said Right-of-Way line a distance of 188.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction along said Right-of-Way line a distance of 235.57 feet to the POINT OF BEGINNING.

Containing 205,178 Square feet or 4.710 Acres.

**EXHIBIT B**  
**LEGAL DESCRIPTION**  
**OF**  
**ENTIRE PARCEL**

**PARCEL I**  
**LEGAL DESCRIPTION**

A parcel of land situated in the Northeast 1/4, the Southeast 1/4 and the Southwest 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, said point being the POINT OF BEGINNING of the parcel described herein; thence continue in a Westerly direction along the South line of said Section 1 (leaving said Interstate Drive Right-of-Way) a distance of 282.10 feet to a point on the Northeasterly Right-of-Way line of U.S. Highway No. 31; thence  $37^{\circ}21'23''$  to the right in a Northwesterly direction along the Northeasterly Right-of-Way line of said U.S. Highway No. 31 a distance of 240.61 feet to a concrete Right-of-Way monument; thence  $1^{\circ}35'30''$  to the left in a Northwesterly direction along said Right-of-Way line a distance of 499.72 feet to a concrete Right-of-Way monument at the intersection of said Right-of-Way line and the Easterly Right-of-Way line of Interstate Highway No. 65; thence  $28^{\circ}21'35''$  to the right in a Northwesterly direction along the Easterly Right-of-Way line of said Interstate Highway No. 65 a distance of 162.31 feet to a concrete Right-of-Way monument; thence  $27^{\circ}44'36''$  to the right in a Northerly direction along said Right-of-Way line a distance of 630.36 feet to a concrete Right-of-Way monument; thence  $12^{\circ}13'40''$  to the right in a Northerly direction along said Right-of-Way line a distance of 572.42 feet to a concrete Right-of-Way monument; thence  $13^{\circ}28'52''$  to the right in a Northeasterly direction along said Right-of-Way line a distance of 1591.01 feet to a concrete Right-of-Way monument; thence  $30^{\circ}35'37''$  to the right in a Northeasterly direction along said Right-of-Way line a distance of 173.96 feet to a point; thence  $30^{\circ}30'08''$  to the left in a Northeasterly direction along said Right-of-Way line a distance of 552.94 feet to a point; thence  $84^{\circ}23'49''$  to the right (leaving said Right-of-Way line) in a Southeasterly direction a distance of 881.93 feet to a point; thence  $90^{\circ}00'$  to the right in a Southwesterly direction a distance of 259.45 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 17.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 82.97 feet to the P.C. (point of curve) of a curve to the right having a radius of 105.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 33.78 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve



in a Southwesterly direction a distance of 114.90 feet to the P.C. (point of curve) of a curve to the right having a radius of 105.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 33.78 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 82.97 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $18^{\circ}26'06''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 17.70 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 204.86 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $87^{\circ}26'32''$ ; thence in a Southwesterly, Southerly and Southeasterly direction along the arc of said curve a distance of 83.94 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 72.00 feet and a central angle of  $118^{\circ}23'41''$ ; thence in a Southeasterly, Southerly and Southwesterly direction along the arc of said curve a distance of 148.78 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $30^{\circ}57'07''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 24.31 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 307.13 feet to the P.C. (point of curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $40^{\circ}14'52''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 31.61 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 72.00 feet and a central angle of  $80^{\circ}29'58''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 101.16 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 45.00 feet and a central angle of  $40^{\circ}15'09''$ ; thence in a Southwesterly direction along the arc of said curve a distance of 31.61 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 263.14 feet to a point; thence  $90^{\circ}00'00''$  to the right in a Northwesterly direction a distance of 196.66 feet to a point; thence  $95^{\circ}00'00''$  to the left in a Southwesterly direction a distance of 111.29 feet to the P.C. (point of curve) of a curve to the left having a radius of 60.00 feet and a central angle of  $70^{\circ}36'50''$ ; thence in a Southwesterly, Southerly and Southeasterly direction along the arc of said curve a distance of 73.95 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 70.00 feet and a central angle of  $96^{\circ}14'51''$ ; thence in a Southeasterly, Southerly and Southwesterly direction along the arc of said curve a distance of 117.59 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 60.00 feet and a central angle of  $50^{\circ}38'01''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 53.02 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 320.64 feet to the P.C. (point of curve) of a curve to the right having a radius of 65.00 feet and a central angle of  $43^{\circ}14'23''$ ; thence in a Southerly and Southwesterly direction along the arc of said curve a distance of 49.05 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 20.06 feet to the P.C. (point of curve) of a curve to the left having a radius of 55.00 feet and a central angle of  $48^{\circ}14'23''$ ; thence in a Southwesterly and Southerly direction along the arc of said curve a distance of 46.31 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southerly direction a distance of 578.42 feet to a point; thence  $93^{\circ}42'51''$  to the right in a Westerly direction a distance of 491.10 feet to the P.C. (point of curve) of a curve to the left having a radius of 25.00 feet and a central angle of  $86^{\circ}31'11''$ ; thence in a Westerly, Southwesterly and Southerly direction along the arc of said curve a distance of 37.75 feet to the P.T. (point of tangent) of said curve, said point lying on the Easterly Right-of-



Way line of Interstate Drive; thence 90°00' to the right in a Westerly direction (leaving said Easterly Right-of-Way line) a distance of 80.00 feet to a point on the Westerly Right-of-Way line of said Interstate Drive; thence 90°00' to the left in a Southerly direction along the Westerly Right-of-Way line of said Interstate Drive a distance of 74.94 feet to a point on the Northeasterly line of a 100 foot Alabama Power Company Right-of-Way; thence 153°08'27" to the right in a Northwesterly direction along the Westerly Right-of-Way line of said Interstate Drive and the Northeasterly line of said Alabama Power Company Right-of-Way a distance of 22.13 feet to a point; thence 153°08'27" to the left in a Southerly direction (leaving the Northeasterly line of said 100 foot Alabama Power Company Right-of-Way) along the Westerly Right-of-Way line of said Interstate Drive a distance of 364.54 feet to the POINT OF BEGINNING.

Containing 97.555 Acres.

## PARCEL II LEGAL DESCRIPTION

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of Section 12, Township 21 South, Range 3 West; thence in a Westerly direction along the North line of said Section 12 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, said point being the POINT OF BEGINNING of the parcel described herein; thence 95°44'31" to the left in a Southerly direction along said Right-of-Way line a distance of 26.81 feet to a point; thence 90° to the right in a Westerly direction along said Right-of-Way line a distance of 20.00 feet to the P.C. (point of curve) of a curve to the right having a radius of 236.40 feet and a central angle of 51°30'00"; thence 90° to the left (angle measured to tangent) in a Southerly and Southwesterly direction along the arc of said curve and along said Right-of-Way line a distance of 212.48 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction along said Right-of-Way line a distance of 5.64 feet to a point at the intersection of said Right-of-Way line and the Northeasterly Right-of-Way line of U.S. Highway No. 31, said point lying on a curve to the left having a radius of 2391.83 feet and a central angle of 0°51'45"; thence 89°07'45" to the right (angle measured to tangent) in a Northwesterly direction along the arc of said curve and along said U.S. Highway No. 31 Right-of-Way line a distance of 36.01 feet to a concrete Right-of-Way monument at the end of said curve; thence 11°28'57" to the right (angle measured to tangent) in a Northwesterly direction along said Right-of-Way line a distance of 125.19 feet to a point; thence 45°33'51" to the right in a Northeasterly direction (leaving said Right-of-Way line) a distance of 99.06 feet to a point on the North line of Said section 12; thence 78°55'43" to the right in an Easterly direction a distance of 169.10 feet to the POINT OF BEGINNING.

Containing 28,560 Square Feet or 0.656 Acre.

### PARCEL III

#### LEGAL DESCRIPTION

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of Section 12, Township 21 South, Range 3 West; thence in a Westerly direction along the North line of said Section 12 a distance of 2224.92 feet to the POINT OF BEGINNING of the parcel described herein; thence  $78^{\circ}55'33''$  to the left in a Southerly direction a distance of 99.06 to a point on the Northeasterly Right-of-Way line of U.S. Highway No. 31; thence  $134^{\circ}26'09''$  to the right in a Northwesterly direction along said Right-of-Way line a distance of 65.00 feet to a concrete Right-of-Way monument; thence  $18^{\circ}09'03''$  to the left in a Northwesterly direction along said Right-of-Way line a distance of 71.92 feet to a point at the intersection of said Right-of-Way line and the North line of said Section 12; thence  $142^{\circ}38'37''$  to the right in an Easterly direction along said Section line (leaving said Right-of-Way) a distance of 113.00 feet to the POINT OF BEGINNING.

Containing 4,764 Square Feet or 0.109 Acre.

#### LESS AND EXCEPT PARCEL LEGAL DESCRIPTION

A portion of Interstate Drive Right-of-Way situated in the Southwest 1/4 of the Southeast 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 2055.82 feet to a point at the intersection of said Section line and the Westerly Right-of-Way line of Interstate Drive, thence  $84^{\circ}15'29''$  to the right in a Northerly direction along said Right-of-Way line a distance of 364.54 feet to a point on the Northeasterly line of a 100 foot Alabama Power Company Right-of-Way; thence  $153^{\circ}08'27''$  to the right in a Southeasterly direction along the Westerly Right-of-Way line of said Interstate Drive and the Northeasterly line of said Alabama Power Company Right-of-Way a distance of 22.13 feet to a point; thence  $153^{\circ}08'27''$  to the left in a Northerly direction (leaving the Northeasterly line of said 100 foot Alabama Power Company Right-of-Way) along the Westerly Right-of-Way line of said Interstate Drive a distance of 74.94 feet to the POINT OF BEGINNING of the parcel described herein; thence continue along the last described course and along the Westerly Right-of-Way line of said Interstate Drive a distance of 319.21 feet to the P.C. (point of curve) of a curve to the right having a radius of 994.93 feet and a central angle of  $2^{\circ}25'41''$ ; thence in a Northerly direction along the arc of said curve and along the Westerly Right-of-Way line of said Interstate Drive a distance of 42.16 feet to a point, said point lying on a curve to the right having a radius of 1600.00 feet and a central angle of  $9^{\circ}18'27''$ ; thence  $162^{\circ}47'29''$  to the right (angle measured from tangent to tangent) in a Southeasterly and Southerly direction along the arc of said curve (leaving the Westerly Right-of-Way line of said Interstate Drive) a distance of 259.92 feet to the P.R.C. (point of reverse curve)



of a curve to the left having a radius of 25.00 feet and a central angle of  $88^{\circ}00'27''$ ; thence in a Southerly, Southeasterly and Easterly direction along the arc of said curve a distance of 38.40 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in an Easterly direction a distance of 7.07 feet to a point on the Easterly Right-of-Way line of Interstate Drive; thence  $93^{\circ}28'49''$  to the right in a Southerly direction along the Easterly Right-of-Way line of said Interstate Drive a distance of 83.64 feet to a point; thence  $90^{\circ}$  to the right in a Westerly direction (leaving the easterly Right-of-Way line of said Interstate Drive) a distance of 80.00 feet to the POINT OF BEGINNING.

Containing 14,802 Square Feet or 0.340 Acre.

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