

**RESOLUTION OF THE
SHELBY COUNTY, ALABAMA COMMISSION**

RESOLUTION # 04-09-13-08

WHEREAS, MIDNIGHT PROPERTIES, L.L.C., GEARLD CUMMINGS, JIMMIE RUTH CUMMINGS, CAROLINE BAILIE SCOTT, CAROLINE S. WALTERS, ALBERT L. SCOTT, JR., WILLIAM G. SCOTT, MARGARET S. JONES, ROBERT W. SCOTT and STEPHEN H. LEE are the owners of all the property abutting on or adjacent to the following described property and the public road, street, highway or right-of-way over and across said property that is proposed to be vacated, situated in Shelby County, Alabama:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 3 WEST AND RUN NORTH 87°41'50" WEST ALONG THE NORTH LINE OF SAID SECTION 11 FOR 2585.77 FEET; THENCE RUN SOUTH 06°24'13" WEST FOR 69.97 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1578.14 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 11°51'09" WEST FOR 300.16 FEET; THENCE RUN SOUTH 09°56'07" WEST FOR 102.59 FEET; THENCE RUN NORTH 80°03'53" WEST FOR 37.82 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 40.00 FOOT WIDE ROAD RIGHT OF WAY TO BE VACATED; THENCE RUN ALONG SAID ROAD CENTERLINE AND ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 164.07 FEET AND A CHORD BEARING OF SOUTH 04°28'31" EAST FOR 83.30 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN SOUTH 10°04'07" WEST ALONG SAID TANGENT FOR 129.40 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2746.04 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 06°51'04" WEST FOR 308.42 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 185.00 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 36°18'35" WEST FOR 211.01 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN SOUTH 68°59'09" WEST ALONG SAID TANGENT FOR 418.03 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 474.68 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 75°37'47" WEST FOR 100.09 FEET TO THE END POINT OF THE CENTERLINE OF THE 40.00 FOOT WIDE ROAD RIGHT OF WAY TO BE VACATED;

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WHEREAS, the above owners are desirous of vacating said tract of land described above and the public road, street, highway or right-of-way over and across said property and requests that the assent of the County Commission of Shelby County, Alabama be given as required by law in such cases; subject, however, to all existing rights of way or easements for public utilities and to all utility facilities presently situated in said vacated area;

That after vacation of the above described tract of land and the public road, street, highway or right-of-way over and across said property, 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, plat or survey by the remaining streets, avenues, or highways dedicated by said map, plat, or survey.

NOW THEREFORE, Be It Resolved the County Commission of Shelby County, Alabama, that they do hereby assent to the said **MIDNIGHT PROPERTIES, L.L.C., GEARLD CUMMINGS, JIMMIE RUTH CUMMINGS, CAROLINE BAILIE SCOTT, CAROLINE S. WALTERS, ALBERT L. SCOTT, JR., WILLIAM G. SCOTT, MARGARET S. JONES, ROBERT W. SCOTT and STEPHEN H. LEE** vacating said tract of land and the public road, street, highway or right-of-way over and across said property as described above and that the above described property be and the same is hereby vacated and annulled and all public rights and easements therein divested of the property; subject, however, to all existing rights of way or easements for public utilities and to all utility facilities presently situated in said area vacated hereby. Said consent and the vacation of the land and the public road shall become effective upon the completion and opening of the new proposed Alex Mill Road for vehicular and pedestrian traffic and the final approval of the Shelby County Engineer.

STATE OF ALABAMA)
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SHELBY COUNTY)

I, Kim Reynolds, Assistant to the County Manager of Shelby County, Alabama hereby approve that the above and foregoing is a true and correct transcript of a Resolution duly adopted by the County Commission of Shelby County, Alabama, on the 13th day of September, 2004, and that the aforesaid Resolution is duly recorded in the official minutes and records of said County Commission.

Given under my hand and official seal this the 13 day of September, 2004.


Assistant to the County Manager
Shelby County Commission