Council Member Tommy Ryals

introduced the following Resolution:

## RESOLUTION NO. 110606

A RESOLUTION FOR DECLARATION OF VACATION OF PUBLIC STREET BETWEEN LOTS 4 & 5, BLOCK B, NICKERSON'S ADDITION TO ALABASTER, MAP BOOK 3, PAGE 69 OFFICE OF PROBATE, SHELBY COUNTY, ALABAMA.

WHEREAS, a written request signed by the owners of all of the lands abutting the following described street, situated in the City of Alabaster, County of Shelby, State of Alabama, requesting the vacation of said street, has been duly presented to the City Council of the City of Alabaster, Alabama, for the assent and approval of said governing body, said requests with map attached being hereto affixed, marked Exhibit A and made a part hereof, and

WHEREAS, pursuant to Section 23-4-2 of the Code of Alabama 1975 (as amended) notice of said request for vacation was published and a hearing was held on the 6 day of November, 2006, and

WHEREAS, the street above referred to is as follows:

Lot 4, Block B and the South 15' of that part of 10<sup>th</sup> Avenue SE (30' ROW), lying between Lot 5 and said Lot 4 of Nickerson's Addition to Alabaster, located in the E ½ of the SW ¼ of Section 1, Township 21 South, Range 3 West, as recorded in the office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the NE ¼ of the SE ¼ of the SW ¼ of said Section 1; thence North 00 degrees 00 minutes 00 seconds East, along the east line of said ¼-1/4-1/4 section, a distance of 667.00' (deed); thence North 88 degrees 00 minutes 00 seconds West, along the north line of said ¼-1/4-1/4 section, a distance of 959.00' (deed) to a point lying on the northwesterly Right of Way Line of I-65, said point also being the POINT OF BEGINNING; thence North 50 degrees 49 minutes 07 seconds East, along said ROW line, a distance of 22.78' to its point of intersection with the centerline of aforesaid 10<sup>th</sup> Avenue S.E. (30' ROW); thence North 88 degrees 00 minutes 00 seconds East, a distance of 25.01 to a point said point being the intersection of the west boundary of said Lot 4, the east Right of Way Line of a 30' Right of Way as shown on said Nickerson's Addition to Alabaster and the northerly Right of Way Line of aforesaid I-65; thence South 55 degrees 11 minutes 39 seconds East along said I-65 ROW line, a distance of 120.00' (deed); thence South 87 degrees 07 minutes 13 seconds East, along said I-65 ROW line, a distance of 175.00' (deed); thence North 50 degrees 49 minutes 07 seconds East, along said I-65 ROW line, a distance of 175.00' (deed); thence North 50 degrees 49 minutes 07 seconds East, along said I-65 ROW line, a distance of 118.00' (deed) to the POINT OF BEGINNING. Containing 0.61 acres, more or less, and

WHEREAS, it appears to the City Council of the City of Alabaster, Alabama, that the vacation of said street is in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners owning properties in the tract of land embraced in said Plat of Block B, Nickerson's Addition to Alabaster.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA, AS FOLLOWS:

That the vacation of the hereinabove described street is assented to and approved and same is hereby vacated pursuant to the provisions of Section 23-4-20 of the Alabama Code of 1975, as amended.

ADOPTED AND APPROVED THIS & DAY OF NOVEMBER 2006.

ATTEST:

CITY OF ALABASTER

Marsha Massey, City Clerk

Rick Walters, Council President

APPROVED:

David M. Frings, Mayor

STATE OF ALABAMA SHELBY COUNTY

## DECLARATION OF VACATION OF PART OF 10<sup>TH</sup> AVENUE SE

DECLARATION OF VACATION OF PUBLIC STREET BETWEEN LOTS 4 & 5, BLOCK B, AND THE SOUTH 15' OF THAT PART OF 10<sup>TH</sup> AVENUE SE (30' ROW), LYING BETWEEN LOT 5 AND SAID LOT 4 OF NICKERSON'S ADDITION TO ALABASTER, MAP BOOK 3, PAGE 69 OFFICE OF PROBATE, SHELBY COUNTY, ALABAMA.

WHEREAS, we the undersigned Roy L. Martin, representing Roy Martin Construction Inc. and Mary Della Danners being deceased will be represented by Virginia Norris who has power of attorney (copy attached), are the owners of all property abutting said Street as appears on the Plat of Block B, Nickerson's Addition to Alabaster, which plat is recorded in Plat Book 3, Page 69, in the probate office of Shelby County, Alabama, and, also, as same appears on the Nickerson's Addition to Alabaster Plat, as recorded in Plat Book 3, Page 69, in the Probate Court of Shelby County, Alabama; a map of which street is attached hereto and made a part hereof, and

WHEREAS, we the said Roy L. Martin, representing Roy Martin Construction Inc. and Mary Della Danners being deceased will be represented by Virginia Norris who has power of attorney (copy attached) are desirous of vacating said part of 10<sup>th</sup> Avenue SE and the portion of street that lies between Lots 4 & 5, Block B, Nickerson's Addition to Alabaster, as same appears on each of said plats;

**NOW THEREFORE**, we the undersigned Roy L. Martin, representing Roy Martin Construction Inc. and Mary Della Danners being deceased will be represented by Virginia Norris who has power of attorney, owners of each of said plats embraced within the boundaries of said Lot 4, Block B and the South 15' of that part of 10<sup>th</sup> Avenue SE (30' ROW), lying between Lot 5 and said Lot 4 of Nickerson's Addition to Alabaster, Alabama, as same appears of record on each of said plats to be vacated, and same is hereby requested to be vacated.

We, the said Roy L. Martin, representing Roy Martin Construction Inc. and Mary Della Danners being deceased will be represented by Virginia Norris who has power of attorney, do hereby, pursuant to and in accordance with the provisions of Section 23-4-20 of the Alabama Code of 1975, as amended, join in the execution of this written request for vacation of said street and same being within the limits of the city of Alabaster, a municipality, do hereby pray and request the assent of the municipal council of the city of Alabaster, Alabama, to said vacation of said street and its approval of same. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

IN WITNESS WHEREOF, we the said Roy L. Martin, representing Roy Martin Construction Inc. and Mary Della Danners being deceased will be represented by Virginia Norris who has power of attorney, have hereunto set our hands and seals on this the \_\_\_\_\_\_ day of September, 2006.

Roy L. Martin

Martin

Virginia Norris representing Mary Della Danners

STATE OF ALABAMA SHELBY, COUNTY

I, Adele J. Nelson, a notary public in and for said county in said state, hereby certify that Roy L. Martin and Virginia Norris, having power of attorney for Mary Della Danners, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this <u>29th</u> day of September, 2006.

My Commission Expires: My Commission Expires Feb 2, 2010

Notary Public, Shelby County, Alabama