



20081125000449330 1/3 \$17.00
Shelby Cnty Judge of Probate, AL
11/25/2008 10:16:15AM FILED/CERT

This Instrument Prepared By:
Wm. Randall May
ALLISON, MAY & KIMBROUGH, L.L.C.
P. O. Box 380275
Birmingham, AL 35238
(205) 991-6367

DECLARATION OF VACATION OF STREET OR ALLEY

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, **EDWIN B. LUMPKIN, JR. and H & E WISE, L.L.C.** are the owners of all the property abutting or in any way served by the property herein described and the road, street or highway situated thereon, and owns all the lands abutting on or touching said property, and is desirous of vacating said public road, street, highway or right-of-way over and across the property herein described, as provided for by Ala. Code §35-2-54 and §23-4-20.

NOW THEREFORE, the undersigned, being the owners of all the lands abutting on the following described property and the road, street or highway situated thereon:

A portion of old Shelby County Road #265 having the following legal description:

A 30 FOOT ROADWAY VACATION BEING 15 feet in equal width on each side of the following described line: Commence at the Southeast corner of the Southwest one-fourth of the Northwest one-fourth of Section 20, Township 21 South, Range 2 West, Shelby County, Alabama; thence proceed North 02° 01' 33" East for a distance of 1324.97 feet, to a point lying on the Northeastern portion of a piece of property owned by Eddie Lumpkin; thence proceed North 79° 17' 54" East for a distance of 20.09 feet to the point of beginning being the centerline of said roadway prescriptive R.O.W. and vacation. From this beginning point proceed South 10° 53' 34" West for a distance of 39.32 feet; thence proceed South 04° 41' 02" West for a distance of 48.30 feet; thence proceed South 01° 07' 20" West for a distance of 54.93 feet; thence proceed South 02° 00' 04" West for a distance of 68.89 feet; thence proceed South 00° 02' 14" West for a distance of 85.08 feet; thence proceed South 02° 47' 16" West for a distance of 86.93 feet; thence proceed South 02° 14' 19" West for a distance of 73.89 feet; thence proceed South 02° 14' 32" West for a distance of 73.50 feet; thence proceed South 01° 53' 15" West for a distance of 206.76 feet; thence proceed South 01° 56' 35" West for a distance of 93.80 feet; thence proceed South 03° 45' 23" West for a distance of 90.23 feet; thence proceed South 01° 10' 55" West for a distance of 83.12 feet; thence proceed South 02° 21' 38" East for a distance of 79.02 feet; thence proceed South 03° 03' 11" West for a

distance of 87.24 feet; thence proceed South 05° 50' 19" West for a distance of 159.65 feet; thence proceed South 00° 00' 00" West for a distance of 172.34 feet to the termination of said roadway being vacated. Said point is intended and considered end of roadway and presumed prescriptive R.O.W. Total roadway length equals 1503+/- feet.

do hereby declare the above property and the road, street or highway situated thereon 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.

The undersigned owners do hereby further declare that after vacation of the said public street and alley located as described above, 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 by the said map, plat or, survey, wherein the above described property was dedicated for public purposes.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal this the 7 day of November, 2008.


EDWIN B. LUMPKIN, JR.

H & E WISE, L.L.C.


By: Howard C. Wise, Jr.
Its: MANAGING MEMBER

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that EDWIN B. LUMPKIN, JR., whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 7 day of November, 2008.

Marla M. Coker
NOTARY PUBLIC
My Commission Expires: 12-11-09

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Howard C. Wise, Jr., whose name as MANAGING MEMBER of H & E WISE, L.L.C., an Alabama Limited Liability Company, is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 10 day of November, 2008.

Deagan A. Stamps
NOTARY PUBLIC
My Commission Expires: 2/13/10