

RESOLUTION NO. 4330-09

WHEREAS, Daniel Senior Living of Inverness, LLC is the owner of all the property abutting or adjacent to the following easement proposed to be vacated, situated in Shelby County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A"

WHEREAS, the above owner is desirous of vacating said easement 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 easement the owner 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.

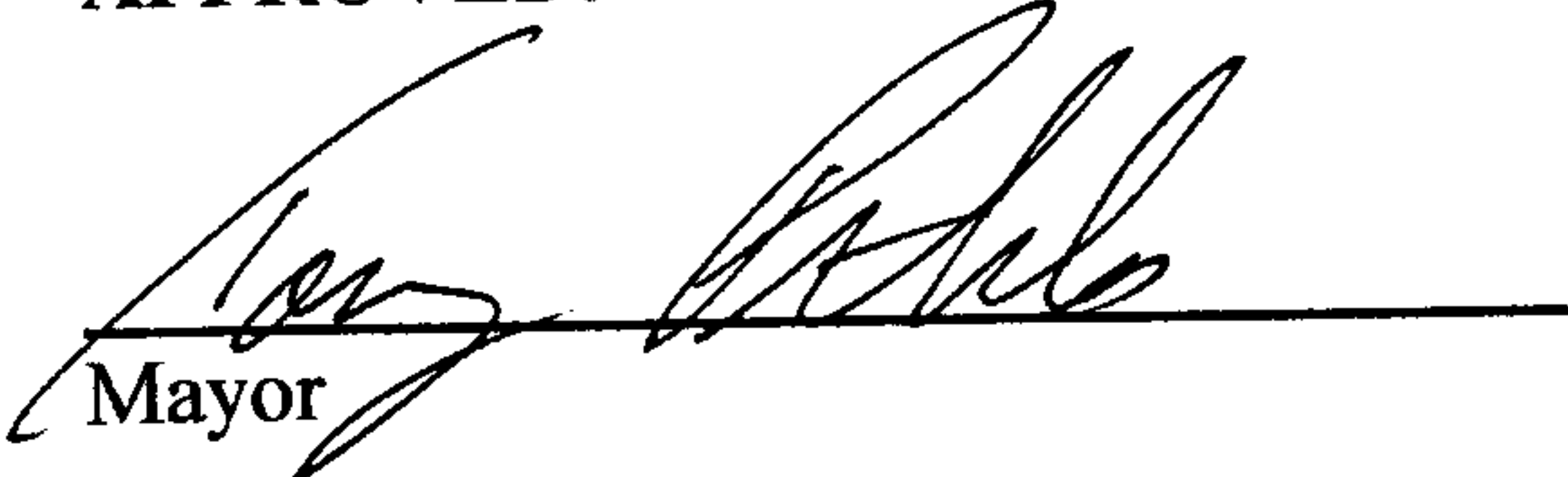
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoover, Alabama, that it does hereby assent to the vacation of the said easement as above described and that the same is hereby vacated and annulled and all public rights and easement herein are hereby divested.

ADOPTED this 19th day of October, 2009.



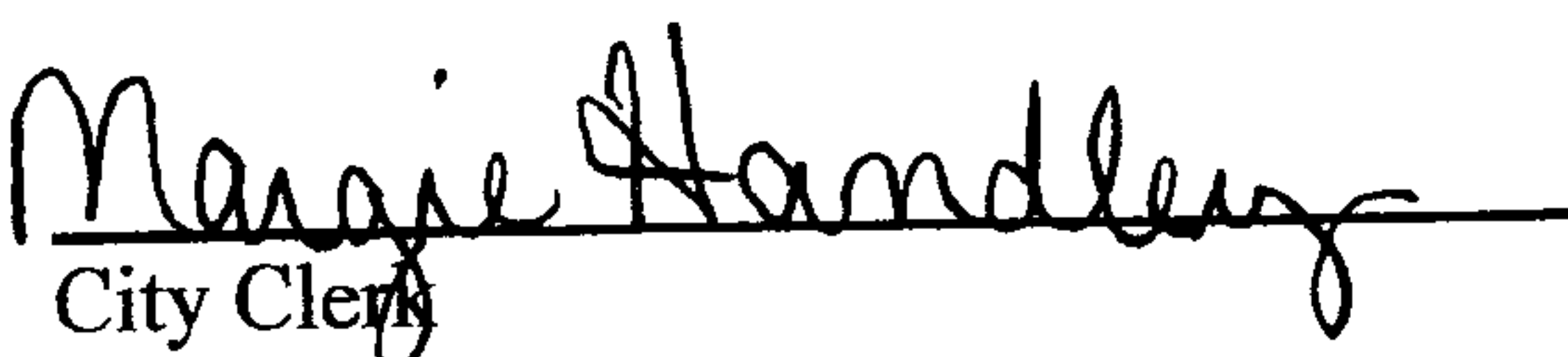
Jack Wright, President Pro-Tempore
Hoover City Council

APPROVED:




Mayor

ATTESTED BY:



City Clerk

EXHIBIT "A"


20091104000411490 2/5 \$23.00
Shelby Cnty Judge of Probate, AL
11/04/2009 08:27:34 AM FILED/CERT

THE COTTAGES OF DANBERRY
PORTION OF 15' STORM SEWER EASEMENT
TO BE VACATED
LEGAL DESCRIPTION

A portion of an easement for storm sewer being 15 foot in width, lying within Lots 33, 34, 43 and 44 as dedicated by the Final Plat of The Cottages of Danberry, as recorded in Map Book 40, Pages 122A and 122B, and also shown on the Final Plat of The Cottages of Danberry Resurvey No. 1, as recorded in Map Book 41, Pages 24A and 24B, both in the Office of the Judge of Probate of Shelby County, Alabama, and being more particularly described as follows:

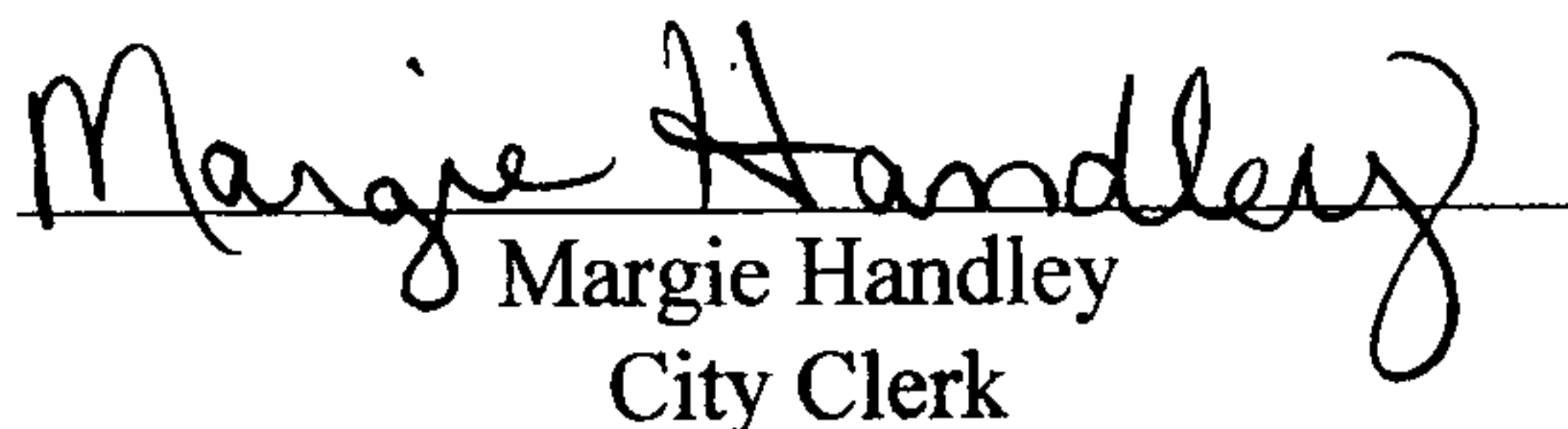
Commence at the Southeast corner of Lot 33 according to said Final Plat of The Cottages of Danberry; thence in a Northwesterly direction along the South line of said Lot 33 a distance of 16.06 feet to a point; thence an angle right of $96^{\circ}05'39''$ in a Northeasterly direction a distance of 1.95 feet to the Point of Beginning; thence continue in a Northeasterly direction along the last described course a distance of 42.97 feet to a point; thence an angle right of $20^{\circ}25'46''$ in a Northeasterly direction a distance of 26.50 feet to a point; thence an angle left of $27^{\circ}48'25''$ in a Northeasterly direction a distance of 52.67 feet to a point; thence an angle right of $82^{\circ}34'31''$ in an Easterly direction a distance of 15.13 feet to a point; thence an angle right of $97^{\circ}25'29''$ in a Southwesterly direction a distance of 58.34 feet to a point; thence an angle right of $27^{\circ}48'25''$ in a Southwesterly direction a distance of 70.49 feet to the Point of Beginning.

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20091104000411490 3/5 \$23.00
Shelby Cnty Judge of Probate, AL
11/04/2009 08:27:34 AM FILED/CERT

CERTIFICATION

I, Margie Handley, City Clerk for the City of Hoover, Alabama, do hereby certify
the attached is a true and correct copy of **Resolution No. 4330-09**, adopted by the City
Council of the City of Hoover, Alabama on the **19th** day of **October, 2009**.


Margie Handley
City Clerk

**APPLICATION FOR VACATION OF EASEMENT
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 Storm Sewer Easement 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 Attached

does (do) hereby declare the above Storm Sewer Easement 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 Storm Sewer Easement 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.

IN TESTIMONY AND WITNESS WHEREOF, the party hereunto has signed and affixed its hand and seal this declaration of vacation on this the 28 day of September, 2009.

Daniel Senior Living of Inverness II, LLC

BY: Daniel Management Corporation, Its Manager

BY: John L. Knuttson,
Vice-President

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