

Prepared by and after
recording return to:
Murphy McMillan
Baker, Donelson, Bearman,
Caldwell & Berkowitz PC
420 20th Street North, Suite 1400
Birmingham, AL 35203


20130826000349340 1/19 \$68.00
Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

STATE OF ALABAMA

SHELBY COUNTY

DECLARATION OF VACATION OF RIGHT-OF-WAY

WHEREAS, the undersigned (collectively, the "**Owners**") are all of the owners of, and the only owners having an interest in, the real property shown on the Survey of Colonial Promenade Alabaster South (the "**Plat**"), recorded at Map Book 38, Page 119A in the Office of the Judge of Probate of Shelby County, Alabama (the "**Recording Office**"); and

WHEREAS, a right-of-way known as South Colonial Parkway was created by the Plat and is shown on **Exhibit A**, attached (the "**Parkway**"); and

WHEREAS, the Owners desire that those portions of the Parkway shown on **Exhibit "B"** and more particularly described on **Exhibit "B-1"** as the Lot 3-B Vacated Property and the Lot 15-A Vacated Property (together, the "**Vacated Property**") be vacated to allow for the relocation of the Parkway; and

WHEREAS, after the vacation, convenient means of ingress and egress to and from their property will be afforded to all Owners.

NOW THEREFORE, in consideration of the premises and in compliance with Section 35-2-54 of the Code of Alabama (1975), as amended, the Owners do hereby declare that portion of the Parkway shown on **Exhibit B** to be vacated and abandoned.

and do hereby grant, bargain, sell, remise, release, and forever quitclaim all the right, title, interest, claim or demand which the Owners have or may have had in the Vacated Property to Target Corporation as to the Lot 3-B Vacated Property and to the Commercial Development Authority of the City of Alabaster as to the Lot 15-A Vacated Property, both abutting property owners.

The purposes of the execution of this declaration are to effect the vacation and abandonment of the Vacated Property, to destroy the force and effect of any dedication of the Vacated Property shown on the Plat and on any other map, plat, survey or other instrument, and to divest any and all rights of the public, including any rights which may have been acquired by prescription or otherwise, in the Vacated Property.

The Parkway, including the Vacated Property, lies within the corporate limits of the City of Alabaster, Alabama.

A certified copy of a resolution evidencing the assent of the City Council of the City of Alabaster, Alabama, to the vacation of the Vacated Property is attached hereto and made a part hereof and marked **Exhibit C**.

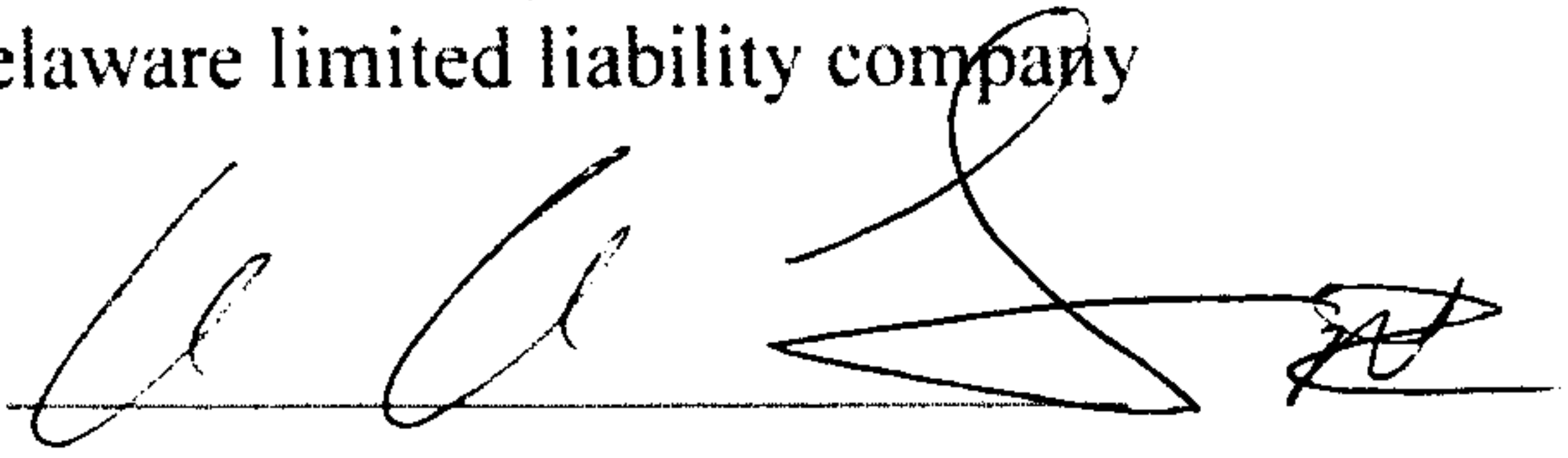
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Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

IN WITNESS WHEREOF, the undersigned Owners have set their hands and seals on
this the 26 day of July, 2013.

HIGHWAY 11/31, LLC,
a Delaware limited liability company

By: 

William A. Leitner, III

Its: Manager

STATE OF Alabama

COUNTY OF Jefferson

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that William A. Leitner, III whose name as Manager of **Highway 11/31, LLC**, a Delaware limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company, on the day the same bears date.

Given under my hand and seal this the 26th day of July,
2013.

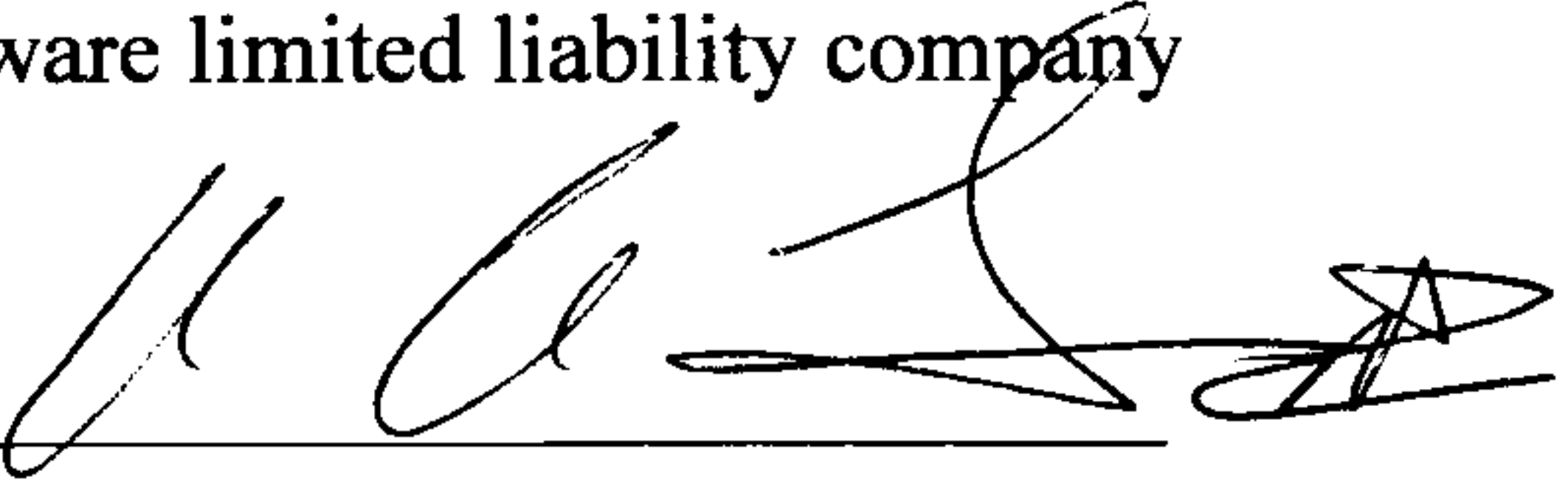

Notary Public

[NOTARIAL SEAL]

My Commission Expires: 10-01-2014


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Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

HIGHWAY 11/31 II, LLC,
a Delaware limited liability company

By: 

William A. Leitner, III

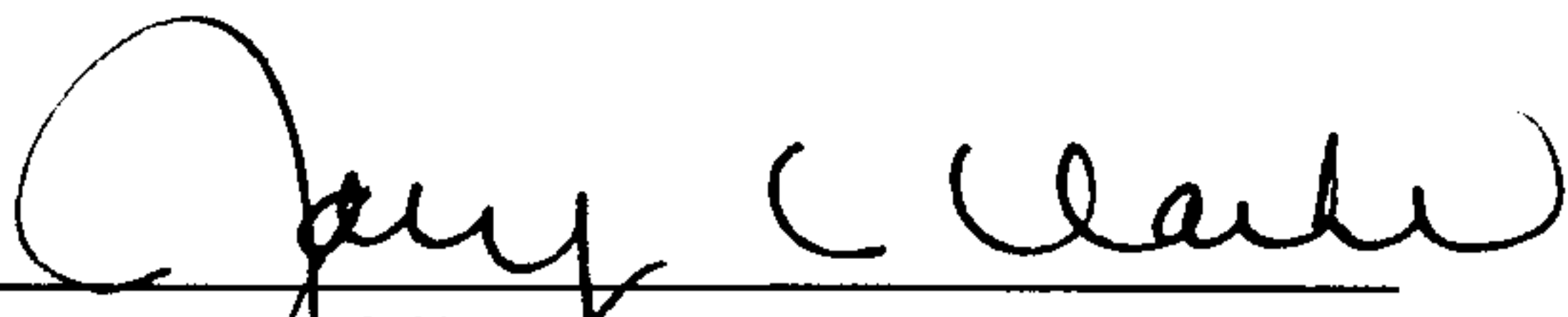
Its: Manager

STATE OF Alabama,

COUNTY OF Tefferson

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that William A. Leitner, III whose name as Manager of **Highway 11/31, LLC II**, a Delaware limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company, on the day the same bears date.

Given under my hand and seal this the 29th day of July,
20 13.

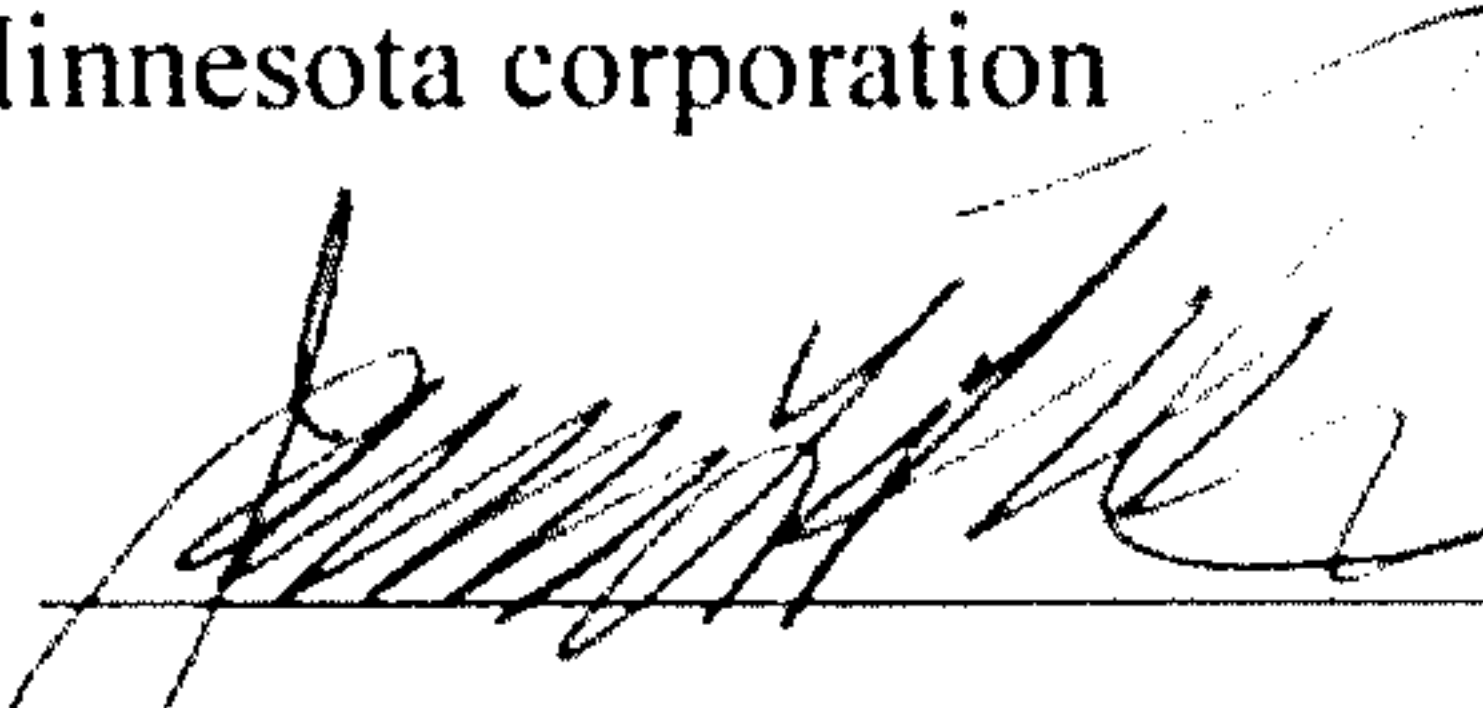

Notary Public

My Commission Expires: 10-01-2014

[NOTARIAL SEAL]


20130826000349340 4/19 \$68.00
Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

TARGET CORPORATION,
a Minnesota corporation

By: 

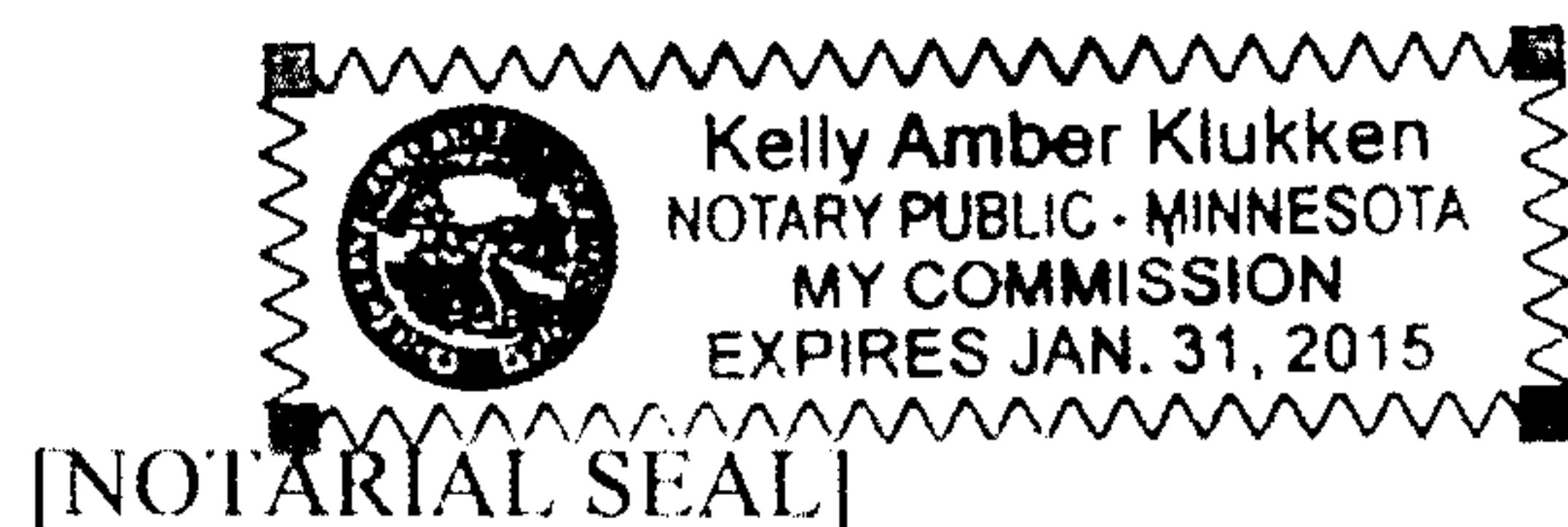
Print Name James L. Tucker
Director Real Estate
Its: Target Corporation

STATE OF Minnesota

COUNTY OF Hennepin

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that James L. Tucker whose name as Director Real Estate of **Target Corporation**, a Minnesota corporation is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such Director Real Estate and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and seal this the 25th day of July, 2013.




Notary Public

My Commission Expires: 1/31/15



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08/26/2013 02:50:09 PM FILED/CERT

LAKSHMI, LLC,
an Alabama limited liability company

By: Chiman S. Patel

Print Name: Chiman S. Patel

Its: Manager

STATE OF Alabama

COUNTY OF Shelby

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Chiman Patel whose name as Manager of **Lakshmi, LLC**, a Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such _____ and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and seal this the 24 day of July,
20 13.

Debra A. Cearley
Notary Public

My Commission Expires: 11-15-14

[NOTARIAL SEAL]

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SHOWMAKER REALTY, LLC
an Alabama limited liability company

By: [Signature]

Print Name: Cheryl L. Moss AT

Its: President

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that CHERYL L. MOSS whose name as PRESIDENT of **Showmaker Realty, LLC**, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such _____ and with full authority, executed the same voluntarily for and as the act of said limited liability company, on the day the same bears date.

Given under my hand and seal this the 18 day of JULY, 2013.

William E. Wood
Notary Public

My Commission Expires: 11/1/16

[NOTARIAL SEAL]



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08/26/2013 02:50:09 PM FILED/CERT

COMMERCIAL DEVELOPMENT
AUTHORITY OF THE CITY OF
ALABASTER,

a Public Corporation

By: Cam Ward

Print Name: Cam Ward

Its: Attorney

STATE OF Alabama

COUNTY OF Shelby

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Cam Ward whose name as Attorney of the **Commercial Development Authority of the City of Alabaster**, a(n) Public Corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he she, in his her capacity as such Attorney and with full authority, executed the same voluntarily for and as the act of said Public Corporation, on the day the same bears date.

Given under my hand and seal this the 31 day of July,
20 13.

[Signature]
Notary Public

My Commission Expires: 6/23/15

[NOTARIAL SEAL]



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08/26/2013 02:50:09 PM FILED/CERT

J. C. PENNEY PROPERTIES, INC.,
a Delaware corporation

By: *Bradley Syverson*

Print Name: Bradley Syverson

Its: PRESIDENT



STATE OF Texas)

COUNTY OF Collins)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Bradley Syverson whose name as President of J. C. Penney Properties, Inc., a Delaware corporation is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, in his/her capacity as such President and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and seal this the 1st day of August, 2013.



[NOTARIAL SEAL]

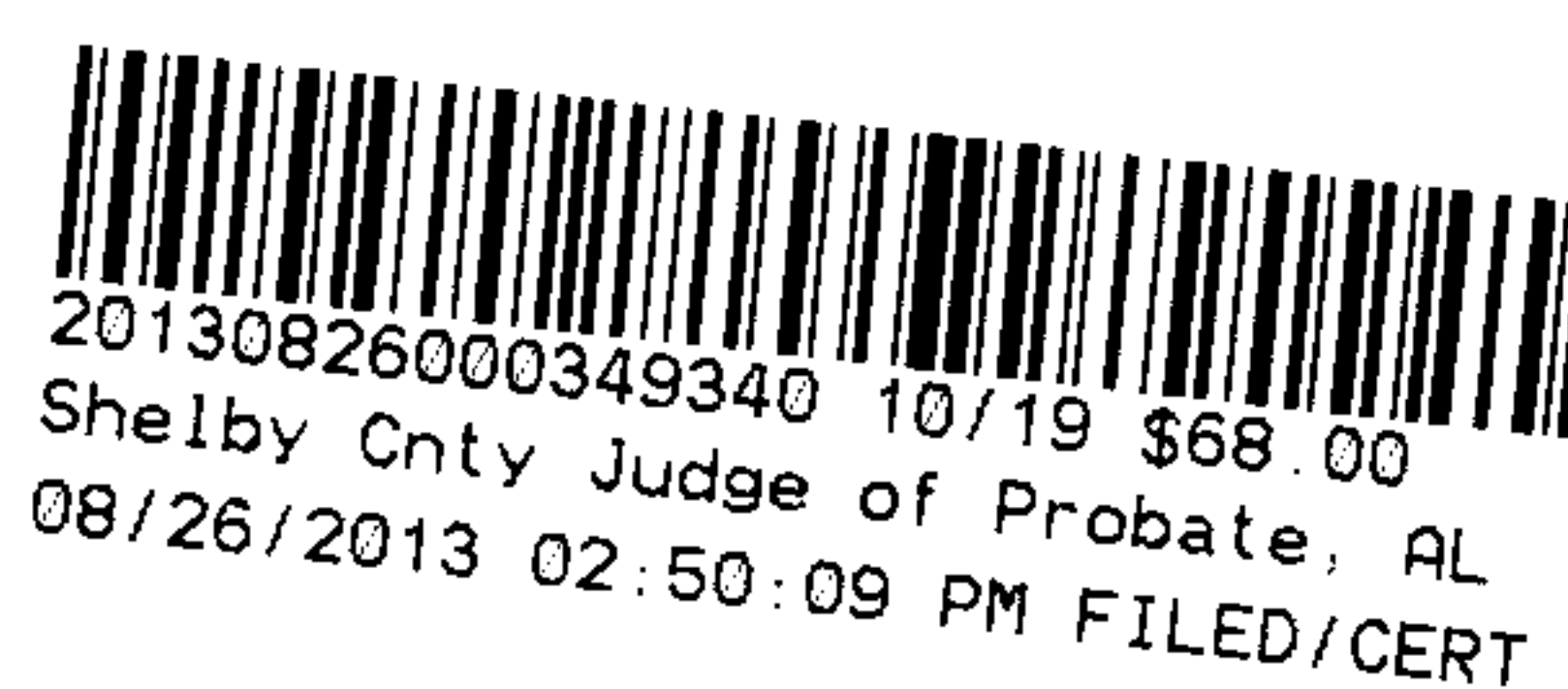
Sherrie Mihdawi
Notary Public

My Commission Expires: 8/2/16

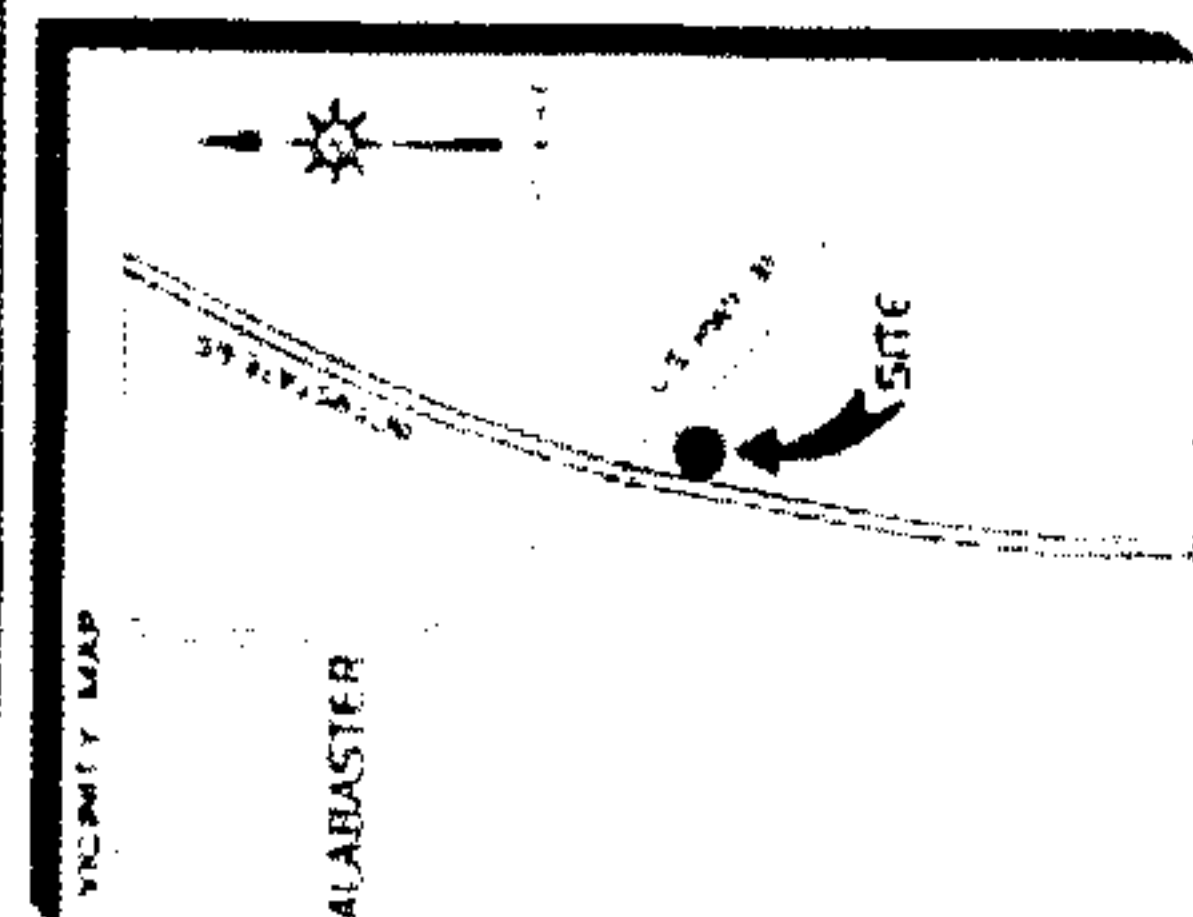


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Shelby Cnty Judge of Probate, AL
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EXHIBIT A
Depiction of Parkway
Attached



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Shelby Cnty Judge of Probate, AL
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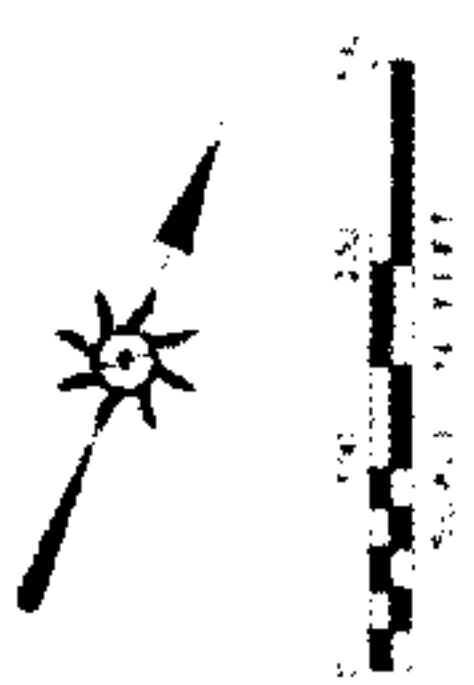


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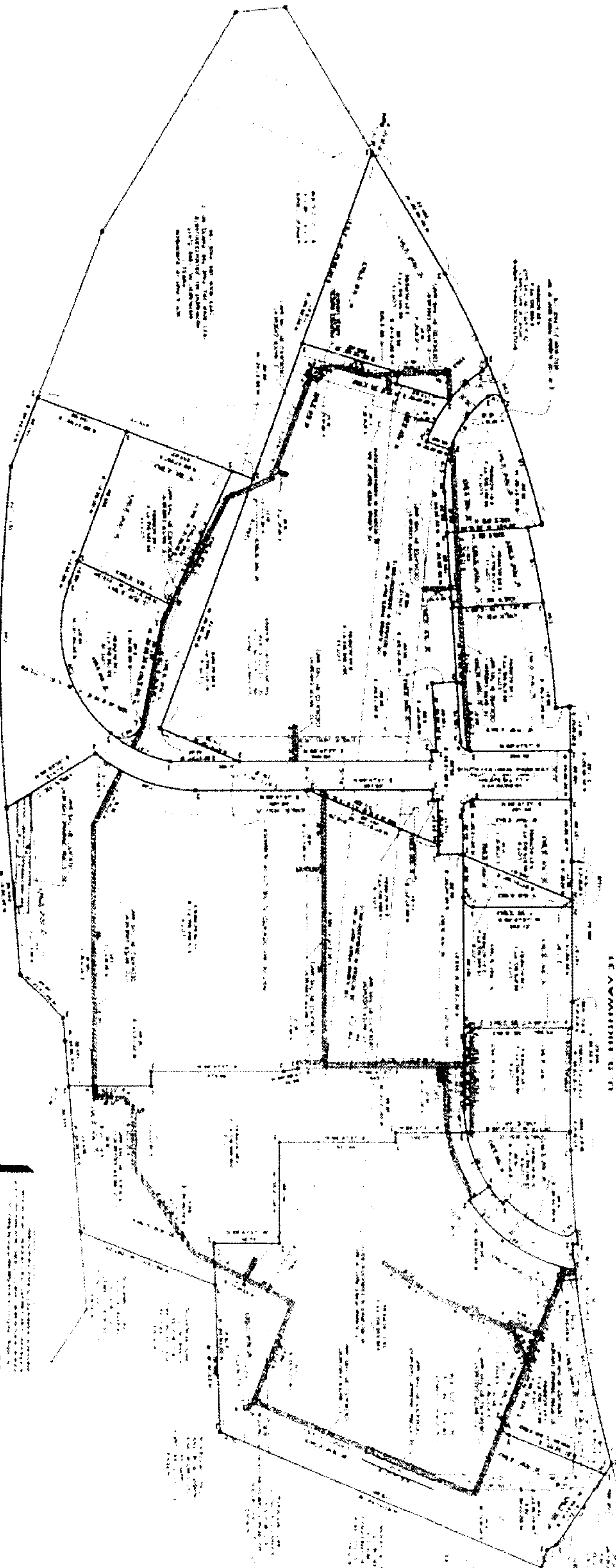
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CONCLUSIONS

NOTES

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INTERESTATED

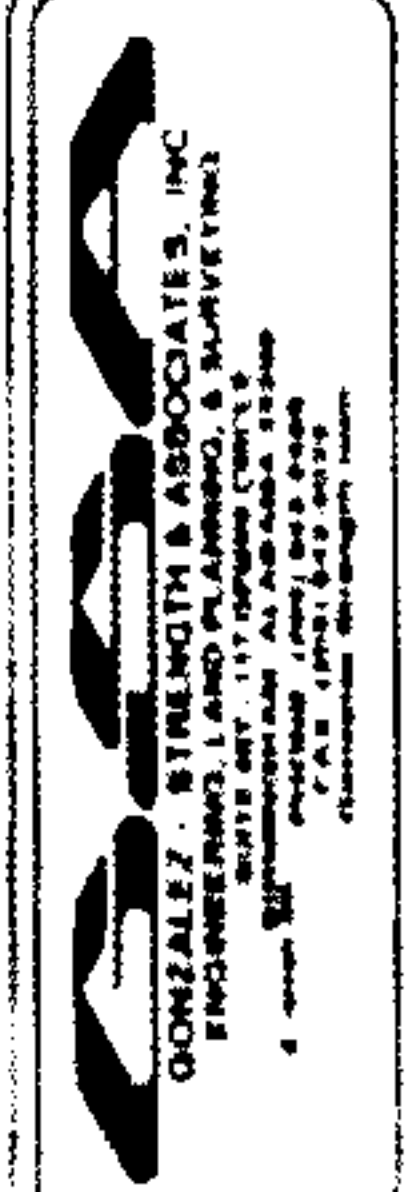


J. E. B. 101324WAV 31

3rd April 1920
Gladys Harris

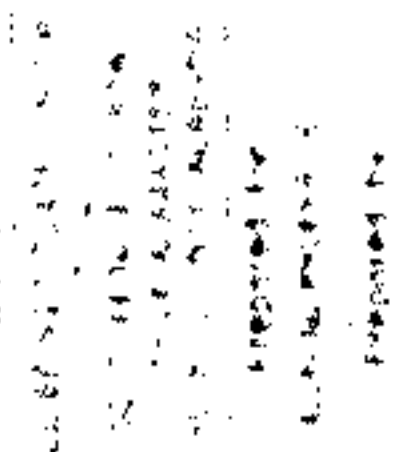
**COLONIAL PROMENADE
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James M. Bradley	9/4/02
Robert Cunningham	9/6/02
Michael M. May	5/10/02
Sharon L. Lee	5-7-2002
John C. Lee	5/27/02
Robert Nelson	5/7/02

William A. Hays



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Shelby Cnty Judge of Probate, AL
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POOR QUALITY

EXHIBIT B
Depiction of Vacated Property
Attached


20130826000349340 13/19 \$68.00
Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

POOR QUALITY

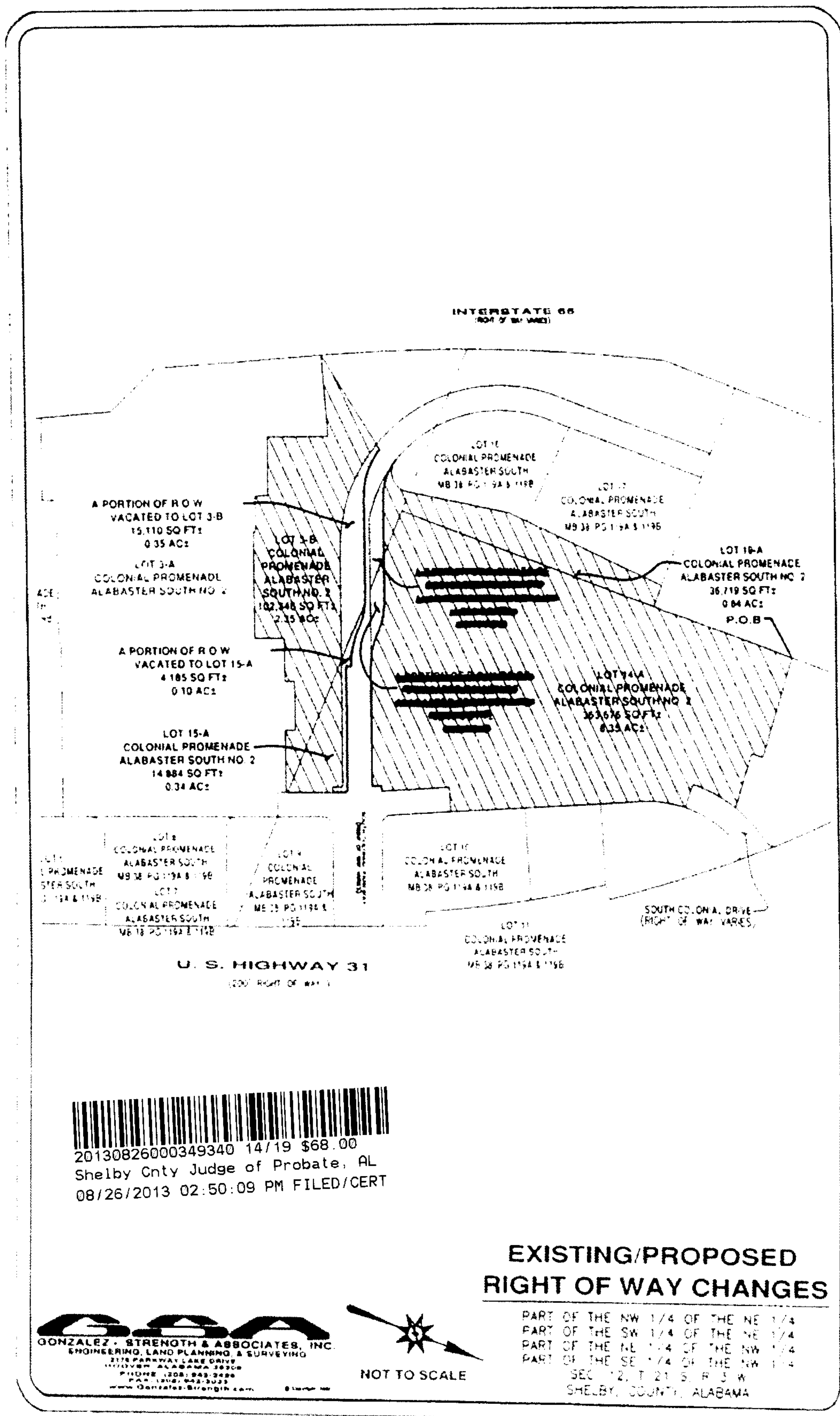


EXHIBIT B-1
Description of Vacated Property
Attached



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Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

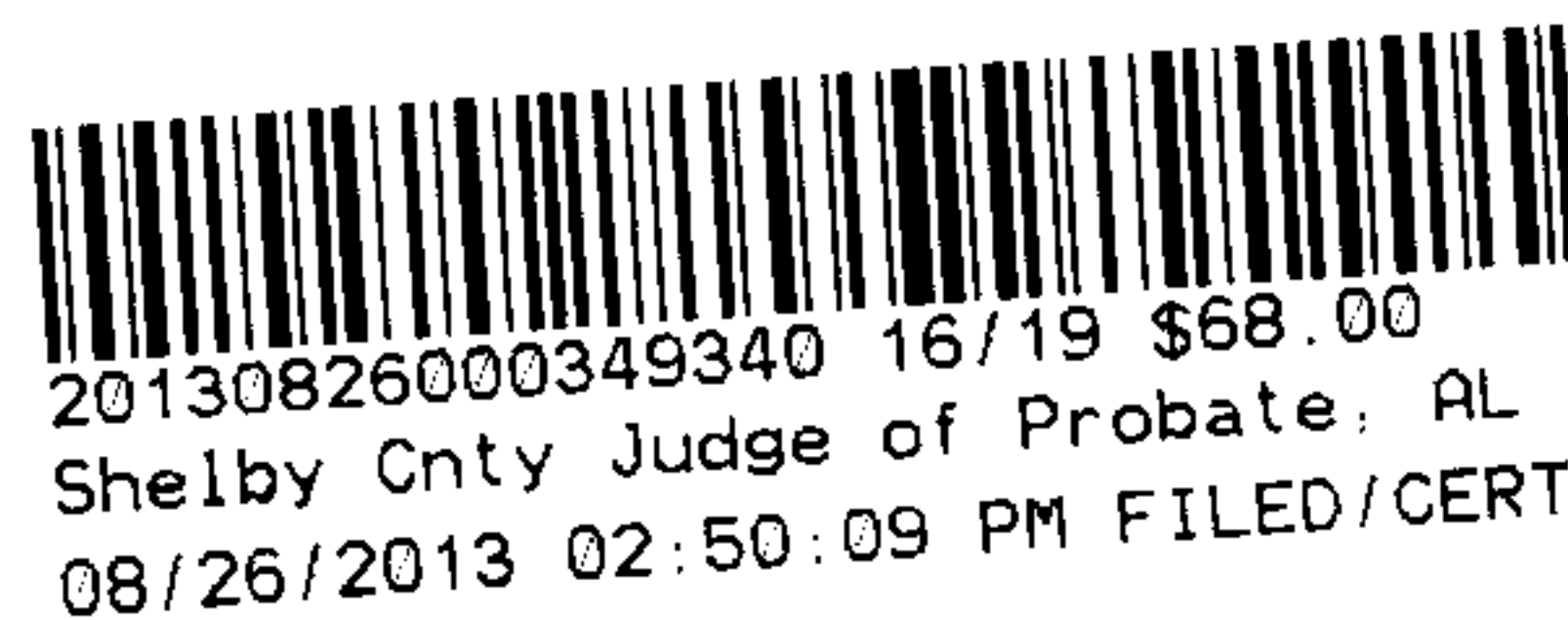
EXHIBIT B-1

Legal Description of Vacated Property

"Lot 3-B Vacated Property" (vacated to Highway 11/31 II, LLC)

A parcel of land situated in part of the Southeast one-quarter of the Northwest one-quarter and in part of the Southwest one-quarter of the Northeast one-quarter of Section 12, Township 21 South, Range 3 West Shelby County, Alabama, being more particularly described as follows:

Beginning at a set 5/8 inch capped rebar stamped CA-560LS marking the Northwest corner of Lot 3 Colonial Promenade Alabaster South as recorded in Map Book 38, Page 119A and 119B in the Office of the Judge of Probate of Shelby County, Alabama, point also lying on the existing Southerly right of way of South Colonial Parkway(right of way varies) thence leaving said right of way run North 38 degrees 23 minutes 35 seconds East for a distance of 11.79 feet to a set 5/8 inch capped rebar stamped CA-560LS said point being on the proposed Southerly right of way of South Colonial Parkway(right of way varies) also lying on a non tangent curve turning to the left with an arc length of 105.27 feet, with a radius of 160.43 feet, with a delta angle of 37 degrees 35 minutes 46 seconds, with a chord bearing of North 88 degrees 35 minutes 20 seconds East, and with a chord length of 103.39 feet; thence run along the arc of said curve along said proposed right of way for a distance of 105.27 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 69 degrees 48 minutes 06 seconds East along said proposed right of way for a distance of 203.22 feet to a set 5/8 inch capped rebar stamped CA-560LS lying on a curve turning to the right with a radius of 155.00 feet, a delta angle of 03 degrees 47 minutes 26 seconds, a chord bearing of North 71 degrees 41 minutes 50 seconds East, and a chord distance of 10.25 feet; thence run along the arc of said curve along the said proposed right of way for an arc distance of 10.25 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence leaving said proposed right of way run South 87 degrees 31 minutes 35 seconds East for a distance of 128.16 feet to a set 5/8 inch capped rebar stamped CA-560LS lying on the existing Southerly right of way of South Colonial Parkway(right of way varies); thence run South 69 degrees 47 minutes 27 seconds West along said existing right of way for a distance of 234.01 feet to a set 5/8 inch capped rebar stamped CA-560LS on a non tangent curve turning to the right with an arc length of 223.83 feet, with a radius of 330.91 feet, with a delta angle of 38 degrees 45 minutes 18 seconds, with a chord bearing of North 89 degrees 41 minutes 18 seconds West, and with a chord length of 219.58 feet; thence run along the arc of said curve along said existing right of way for a distance of 223.83 feet to the POINT OF BEGINNING. Said parcel contains 15,110 square feet or 0.35 acres more or less.



"Lot 15-A Vacated Property" (vacated to the Commercial Development Authority of the City of Alabaster)

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

Beginning at a set 5/8 inch capped rebar stamped CA-560LS marking the Western most corner of Lot 15 Colonial Promenade Alabaster South as recorded in Map Book 38, Page 119A and 119B in the Office of the Judge of Probate of Shelby County, Alabama said point also lying on the existing Southerly right of way of South Colonial Parkway(right of way varies) thence leaving said existing right of way run North 87 degrees 31 minutes 35 seconds West for a distance of 128.16 feet to a set 5/8 inch capped rebar stamped CA-560LS lying on the proposed Southerly right of way of South Colonial Parkway(right of way varies) lying on a non tangent curve turning to the right with a radius of 155.00 feet, a delta angle 19 degrees 59 minutes 53 seconds, a chord bearing of North 83 degrees 35 minutes 29 seconds East, and a chord distance of 53.83 feet; thence run along the arc of said curve along said proposed right of way for a distance of 54.10 feet to a set 5/8 inch capped rebar stamped CA-560LS said point being on a reverse curve turning to the left with a radius of 195.00 feet, a delta angle of 23 degrees 47 minutes 59 seconds, a chord bearing of North 81 degrees 41 minutes 26 seconds East, and a chord distance of 80.42 feet; thence run along the arc of said curve along said proposed right of way for an arc distance of 81.00 feet to a set 5/8 inch rebar stamped CA-560LS;thence run South 20 degrees 12 minutes 33 seconds East along said proposed right of way for a distance of 10.00 feet to a set 5/8 inch capped rebar stamped Ca-560LS; thence run North 69 degrees 47 minutes 27 seconds East along said proposed right of way for a distance of 252.33 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 65 degrees 13 minutes 04 seconds East along said proposed right of way for a distance of 5.34 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 20 degrees 13 minutes 35 seconds East along said proposed right of way for a distance of 26.23 feet to a set 5/8 inch capped rebar stamped CA-560LS said point also being on the existing Southerly right of way of South Colonial Parkway(right of way varies); thence leaving said proposed right of way run South 69 degrees 47 minutes 27 seconds West along the said existing right of way for a distance of 11.01 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run North 20 degrees 12 minutes 33 seconds West along said existing right of way for a distance of 20.00 feet to a set 5/8 inch capped rebar stamped CA-560LS; thence run South 69 degrees 47 minutes 27 seconds West along said existing right of way for a distance of 257.82 feet the POINT OF BEGINNING. Said parcel contains 4,185 square feet or 0.10 acres more or less.


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Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

EXHIBIT C

City of Alabaster Assent Resolution

Attached


20130826000349340 18/19 \$68.00
Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT

Councilmember Bedsole introduced the following resolution:

RESOLUTION 080513-B

A RESOLUTION CONSENTING TO THE VACATION OF A PORTION OF RIGHT OF WAY SOUTH COLONIAL PROMENADE.

WHEREAS, the attached declaration ("Declaration"), executed and acknowledged by all owners having an interest in the real property shown on the Survey of Colonial Promenade Alabaster South (the "Plat"), recorded at Map Book 38, Page 119A in the Office of the Judge of Probate of Shelby County, Alabama, has been filed with the City Council of the City of Alabaster, declaring portions of South Colonial Parkway to be vacated and abandoned, and more particularly described as set forth in the Declaration of Vacation filed with City of Alabaster; and

WHEREAS, section 32-2-54 Code of Alabama (1975) requires the assent of the governing body of the municipality to any Declaration of Vacation; and

WHEREAS, the City Council of the City of Alabaster, Alabama, has considered said vacation and abandonment and it is the opinion of the City Council that the proposed vacation and abandonment will not affect the means of ingress and egress to and from the property reflected on the Plat, and convenient means of ingress and egress to and from their property will be afforded to all property owners owning property in the tract of land embraced in the Plat, either by the remaining streets and alleys dedicated by such map, plat or survey, or by other streets or alleys dedicated; and

WHEREAS, it appears to the City Council of the City of Alabaster, Alabama, that the allegations of the Declaration are true; and all of the property owners owning real property reflected on the Plat have entered into the execution of the Declaration; that the provisions of Section 35-2-54 of the Code of Alabama (1975), as amended, have been strictly complied with; and that the Declaration is sufficient to effectuate the vacation referenced therein.

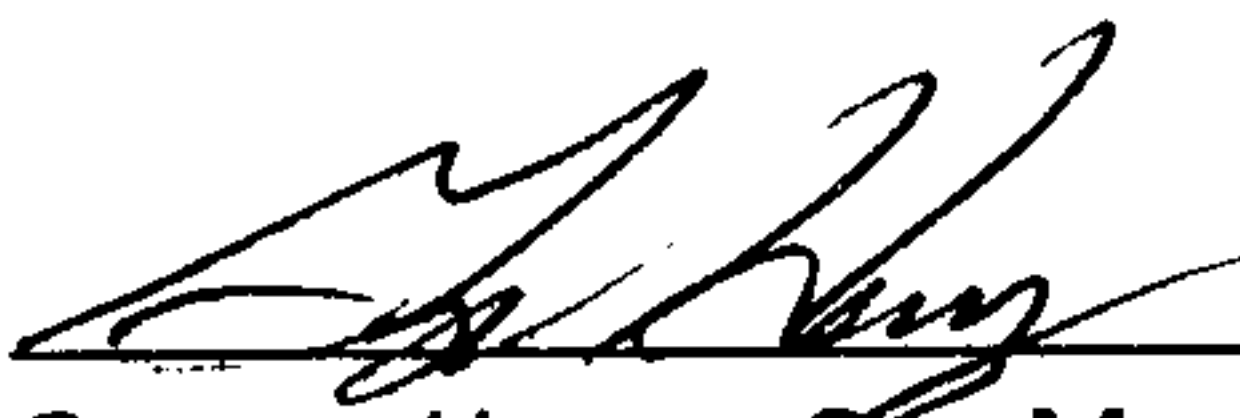
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA, AS FOLLOWS:

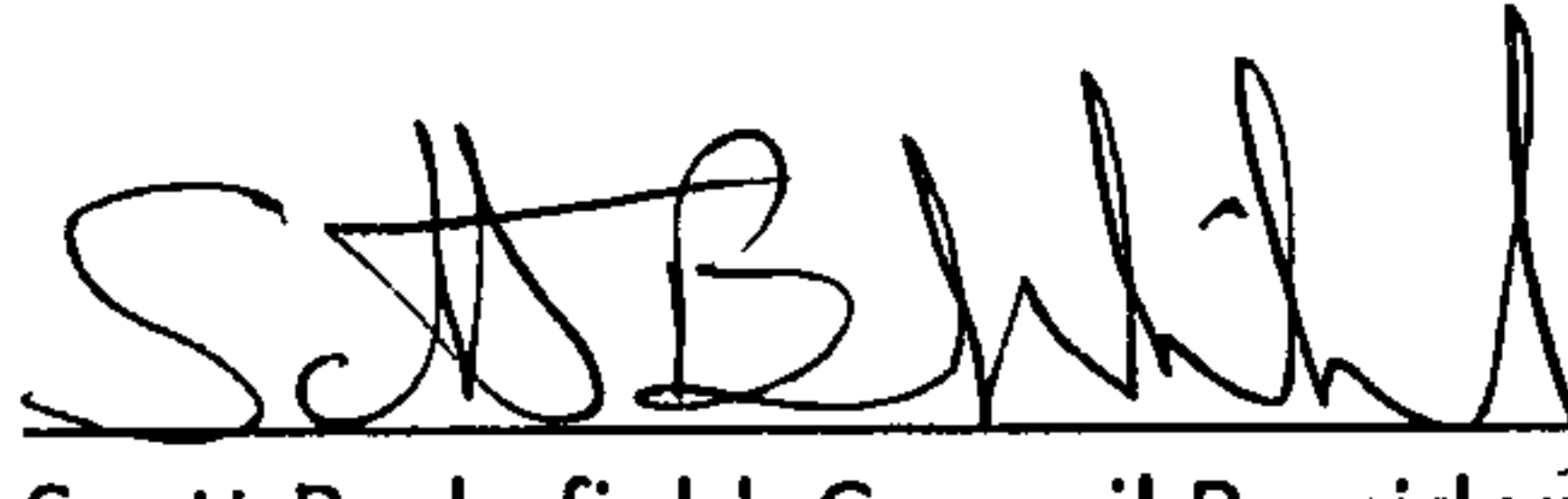
1. The assent of the City Council of the City of Alabaster, Alabama, is hereby given to the vacation of those portions of South Colonial Parkway in conformity with the Declaration heretofore filed.
2. The City Council of the City of Alabaster, Alabama, does hereby vacate and abandon the those portions of South Colonial Parkway, as described in the Declaration, to the abutting property owners
3. The City Manager/Clerk is hereby directed to append a certified copy of this resolution to the Declaration of Vacation.

ADOPTED AND APPROVED THIS 5 DAY OF AUGUST 2013.

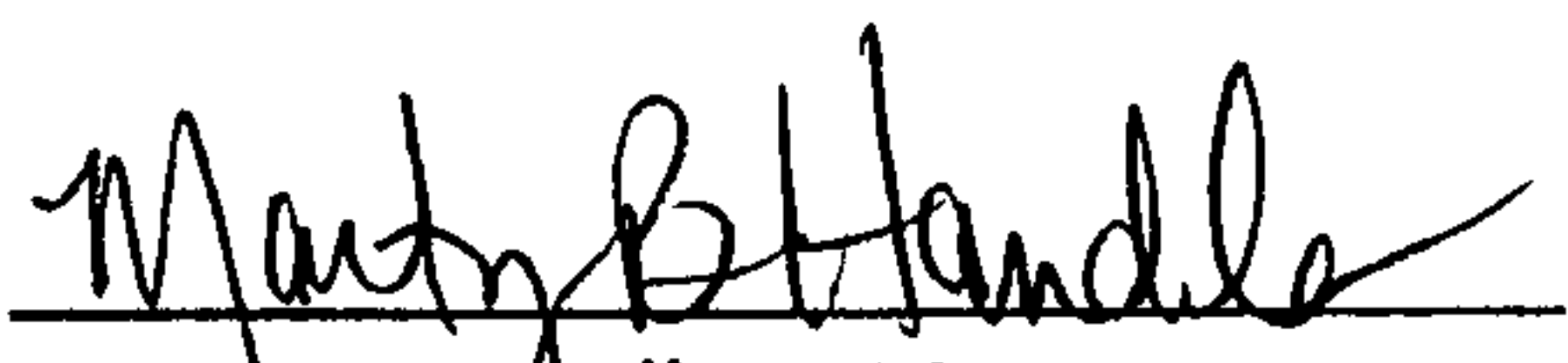
ATTEST:

CITY OF ALABASTER


George Henry, City Manager/Clerk


Scott Brakefield, Council President

APPROVED:


Marty B. Handlon, Mayor




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Shelby Cnty Judge of Probate, AL
08/26/2013 02:50:09 PM FILED/CERT