


Council Member ELLIS introduced the following Resolution, which was seconded by Council Member PATE:

  
20201221000585210 1/5 \$34.00  
Shelby Cnty Judge of Probate, AL  
12/21/2020 12:58:03 PM FILED/CERT



**RESOLUTION 120720-D**

**A RESOLUTION CONSENTING TO THE VACATION PORTIONS OF 10<sup>TH</sup> AVE. SW AND 6<sup>TH</sup> ST. SW**

**WHEREAS**, the Public Building Authority of the City of Alabaster filed a request with the City of Alabaster pursuant to Ala. Code 35-2-54 and are all the owners of all the property abutting on or adjacent to the following described property that is proposed to be vacated, situated in Shelby County, Alabama, City of Alabaster:

**Description of a portion of 10th avenue southwest right of way to be vacated:**

Begin at a point being the southeast corner of lot 97, according to the survey of Siluria mills, as recorded in map book 5, page 10, in the probate office of Shelby County, Alabama, said point lying on the northerly right of way line of 10th avenue southwest; thence run north 78 degrees 32 minutes 00 seconds west along the southerly line of lots 97, 96, 95 and 94, said line also being the northerly right of way line of 10th Avenue Southwest for 382.92 feet to a point on the easterly right of way line of CSX transportation railroad; thence run south 22 degrees 18 minutes 00 seconds west along said railroad right of way for 51.50 feet to a curve to the left, having a radius of 1980.99 feet, a chord bearing of south 19 degrees 34 minutes 53 seconds west, and a chord length of 187.91 feet; thence run along said arc and said railroad right of way for 187.99 feet; thence run south 67 degrees 41 minutes 48 seconds east for 36.40 feet to a point being the southwesterly corner of lot 83, according to said Siluria mills survey, said point lying on the easterly right of way line of 10th avenue southwest; thence run along said road right of way and a non-tangent curve to the left, having a radius of 248.11 feet, a chord bearing of north 31 degrees 23 minutes 27 seconds east, and a chord length of 37.92 feet; thence run along said arc and said road right of way for 37.96 feet; thence run north 27 degrees 00 minutes 30 seconds east along said road right of way for 174.17 feet to the northwest corner of lot 93, according to said Siluria Mills survey; thence run south 78 degrees 32 minutes 00 seconds east along the north line of lots 93, 92, 91 and 90 and along said road right of way for 324.07 feet; thence run north 11 degrees 03 minutes 00 seconds east for 40.00 feet to a to the point of beginning. Said tract of land containing 26,481.28 s.f. or 0.61 acres more or less.

**Description of a portion of 6th Street Southwest right of way to be vacated.**

Begin at a point being the southeast corner of lot 78, according to the survey Siluria Mills, as recorded in map book 5, page 10, in the probate office of Shelby County, Alabama. Said point lying on the northerly right of way line of 11th avenue southwest thence run north 11 degrees 03 minutes 00 seconds east along the east line of lots 78,84,85,86 and 90, said line also being the westerly right of way line of 6th street southwest for 406.95 feet to a point on the southerly right of way line of 10th avenue southwest; thence run south 78 degrees 32 minutes 00 seconds east for 40.00 feet to a point on the easterly right of way line

of 6th street southwest, said point also being the northwest corner of lot 89 of said Siluria Mills survey; thence run south 11 degrees 03 minutes 00 seconds west along the westerly line of lots 89,88,87 and 77 and along said right of way for 406.51 feet to a point on the northerly right of way line of 11th avenue southwest; thence run north 79 degrees 10 minutes 00 seconds west for 40.00 feet to the point of beginning. Said tract of land containing 16,269.16' s.f. or 0.37 acres more or less.

That after vacation of the above described tract of land, 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 City Council of the City of Alabaster, Alabama,** that it does hereby assent to the said Public Building Authority of the City of Alabaster vacating said tract of land 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.

**ADOPTED AND APPROVED THIS 7TH DAY OF DECEMBER 2020.**

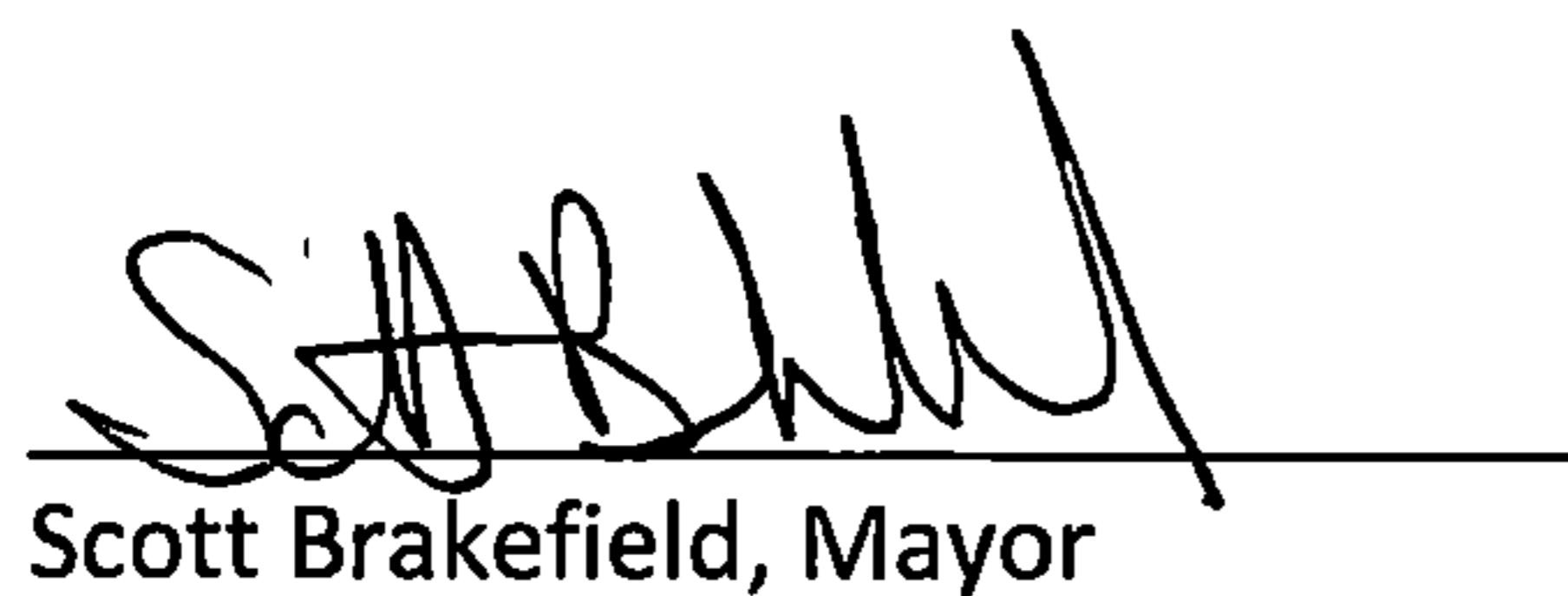
ATTEST:


CITY OF ALABASTER

  
J. Mark Frey, City Clerk

  
By: Sophie Martin, Council President

APPROVED:

  
Scott Brakefield, Mayor

  
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## DECLARATION OF STREET VACATION

As to Portions of 10<sup>th</sup> Ave SW and 6<sup>th</sup> Street SW in the City of Alabaster, Alabama

### **KNOW ALL MEN BY THESE PRESENTS:**

WHEREAS, the Public Building Authority of the City of Alabaster ("Owner") the owner of all the property abutting or in any way served by the property herein described, to wit: portions of 10<sup>th</sup> Avenue Southwest and portions of 6<sup>th</sup> Street Southwest in Alabaster, Alabama, and as Owner of all the lands abutting on or touching said property, and as such owner is desirous of vacating all the property herein described, as provided for by Ala. Code § 35-2-54.

NOW THEREFORE, the undersigned, being the Owner of all the lands abutting on the following described property:

#### **DESCRIPTION OF A PORTION OF 10TH AVENUE SOUTHWEST RIGHT OF WAY TO BE VACATED**


BEGIN AT A POINT BEING THE SOUTHEAST CORNER OF LOT 97, ACCORDING TO THE SURVEY OF SILURIA MILLS, AS RECORDED IN MAP BOOK 5, PAGE 10, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF 10TH AVENUE SOUTHWEST; THENCE RUN NORTH 78 DEGREES 32 MINUTES 00 SECONDS WEST ALONG THE SOUTHERLY LINE OF LOTS 97, 96, 95 AND 94, SAID LINE ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF 10TH AVENUE SOUTHWEST FOR 382.92 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD; THENCE RUN SOUTH 22 DEGREES 18 MINUTES 00 SECONDS WEST ALONG SAID RAILROAD RIGHT OF WAY FOR 51.50 FEET TO A CURVE TO THE LEFT, HAVING A RADIUS OF 1980.99 FEET, A CHORD BEARING OF SOUTH 19 DEGREES 34 MINUTES 53 SECONDS WEST, AND A CHORD LENGTH OF 187.91 FEET; THENCE RUN ALONG SAID ARC AND SAID RAILROAD RIGHT OF WAY FOR 187.99 FEET; THENCE RUN SOUTH 67 DEGREES 41 MINUTES 48 SECONDS EAST FOR 36.40 FEET TO A POINT BEING THE SOUTHWESTERLY CORNER OF LOT 83, ACCORDING TO SAID SILURIA MILLS SURVEY, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF 10TH AVENUE SOUTHWEST; THENCE RUN ALONG SAID ROAD RIGHT OF WAY AND A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 248.11 FEET, A CHORD BEARING OF NORTH 31 DEGREES 23 MINUTES 27 SECONDS EAST, AND A CHORD LENGTH OF 37.92 FEET; THENCE RUN ALONG SAID ARC AND SAID ROAD RIGHT OF WAY FOR 37.96 FEET; THENCE RUN NORTH 27 DEGREES 00 MINUTES 30 SECONDS EAST ALONG SAID ROAD RIGHT OF WAY FOR 174.17 FEET TO THE NORTHWEST CORNER OF LOT 93, ACCORDING TO SAID SILURIA MILLS SURVEY; THENCE RUN SOUTH 78 DEGREES 32 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF LOTS 93, 92, 91 AND 90 AND ALONG SAID ROAD RIGHT OF WAY FOR 324.07 FEET; THENCE RUN NORTH 11 DEGREES 03 MINUTES 00 SECONDS EAST FOR 40.00 FEET TO A TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 26,481.28 S.F. OR 0.61 ACRES MORE OR LESS.

#### **DESCRIPTION OF A PORTION OF 6TH STREET SOUTHWEST RIGHT OF WAY TO BE VACATED.**

BEGIN AT A POINT BEING THE SOUTHEAST CORNER OF LOT 78, ACCORDING TO THE SURVEY SILURIA MILLS, AS RECORDED IN MAP BOOK 5, PAGE 10, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF 11TH AVENUE SOUTHWEST THENCE RUN NORTH 11 DEGREES 03 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF LOTS 78,84,85,86 AND 90, SAID LINE ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF 6TH STREET SOUTHWEST FOR 406.95 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 10TH AVENUE SOUTHWEST; THENCE RUN SOUTH 78 DEGREES 32 MINUTES 00 SECONDS EAST FOR 40.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 6TH STREET SOUTHWEST, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 89 OF SAID SILURIA MILL'S SURVEY; THENCE RUN SOUTH 11 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF LOTS 89,88,87 AND 77 AND ALONG SAID RIGHT OF WAY FOR 406.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 11TH AVENUE SOUTHWEST; THENCE RUN NORTH 79 DEGREES 10 MINUTES 00 SECONDS WEST FOR 40.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 16,269.16 S.F. OR 0.37 ACRES MORE OR LESS.

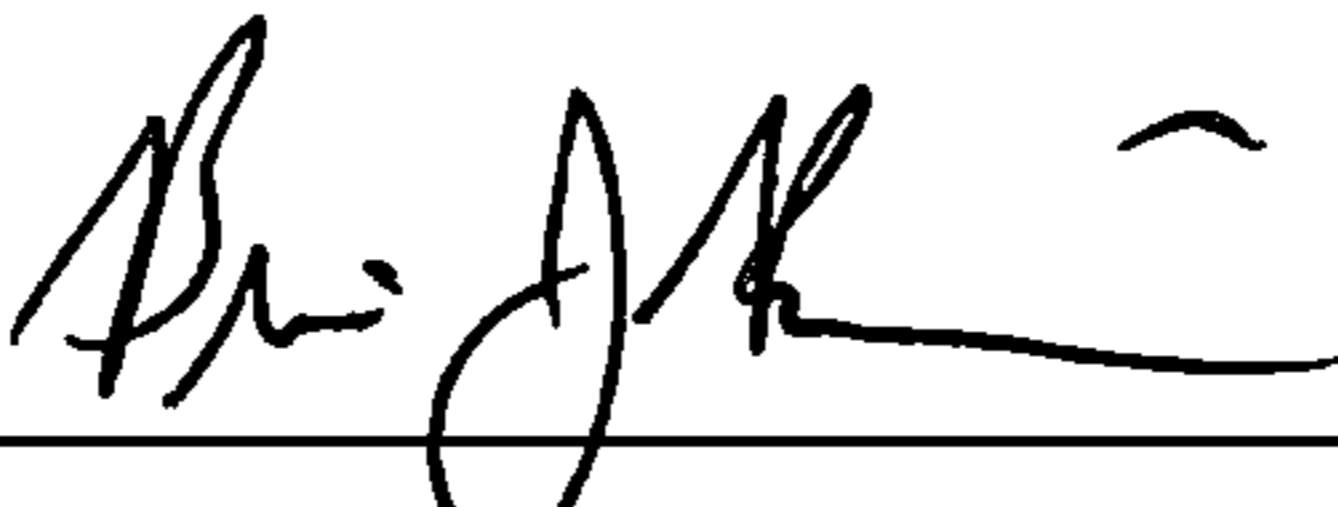
by and through the City of Alabaster, Alabama, its Agent pursuant to that Agency Agreement dated October 22, 2020, does hereby declare the above road rights of way and easements thereon vacated and annulled, and all public rights and easements therein divested of the property. All public utilities thereon have been relocated and said easements are vacated.

The undersigned owner does 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 herein, wherein the above described property was dedicated for public purposes.

  
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IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal this the 12th day of November 2020.

**PUBLIC BUILDING AUTHORITY OF THE CITY OF ALABASTER**




By: Brian Binzer, City of Alabaster Administrator  
Its: As Agent of the Public Building Authority

STATE OF ALABAMA            )  
SHELBY COUNTY                )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Brian Binzer, whose name as City Administrator of the City of Alabaster, Alabama, as agent for the Public Building Authority of the City of Alabaster, is signed to the foregoing application, and who is known to me, acknowledged before me on this day that, being informed of the contents of the application, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 7<sup>th</sup> day of December 2020.

  
NOTARY PUBLIC  
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