

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

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Shelby Cnty Judge of Probate, AL
03/01/2022 03:32:58 PM FILED/CERT



RESOLUTION 011022-C

A RESOLUTION ACCEPTING ROADS FOR MAINTENANCE IN SHELBY FARMS SUBJECT TO WARRANTY AND DEVELOPER'S REQUIRED WARRANTY BOND

WHEREAS, Newcastle Construction, Inc., ("Developer") as developer or subsequent developer of the Shelby Farms Subdivision has completed all required improvements in the subdivision, and

WHEREAS, the City Engineer and Building Official have each certified to the Planning & Zoning Commission that the roads within the Subdivision are complete and ready for acceptance, and have made recommendation that the roads therein, namely, Shelby Farms Drive, Shelby Farms Lane, Shelby Farms Place, Shelby Farms Bend, Shelby Farms Circle, and Shelby Farms Way, be accepted by the City of Alabaster for ongoing maintenance and upkeep, subject to a five-year warranty period and has given a quitclaim deed therefor, attached hereto as Exhibit A, and;

WHEREAS, the Planning & Zoning Commission has recommended to the City Council that Shelby Farms Drive, Shelby Farms Lane, Shelby Farms Place, Shelby Farms Bend, Shelby Farms Circle, and Shelby Farms Way be accepted by the City of Alabaster for ongoing maintenance, subject to a five-year warranty secured by a Maintenance Bond against early failure secured by a \$37,174.38 bond; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Alabaster, Alabama, as follows:

1. Upon the posting of a \$37,174.38 warranty maintenance bond by the Developer, Shelby Farms Drive, Shelby Farms Lane, Shelby Farms Place, Shelby Farms Bend, Shelby Farms Circle, and Shelby Farms Way, together with the curbs and gutters system, be and are hereby accepted by the City of Alabaster for ongoing maintenance subject to a five-year Developer's warranty from the date of the posting of the warranty bond. In lieu of a bond the Developer may post an irrevocable letter of credit.
2. That said warranty shall be a warranty against any roadway failure caused by faulty design, construction, or materials. Developer's warranty shall not be limited by the amount of the bond.
3. That five years from the date of the posting of the warranty bond, there being no defects on said roads relating to design, construction, or materials, (normal wear and tear excluded) remains unresolved, unfinished or incomplete as certified by the Public Works director, said warranty bond shall be released.
4. That the City Clerk (or their designee) is hereby authorized and directed to file an original and/or provide a copy of this Resolution to the Developer, and, upon execution by the Mayor, to file the quitclaim deed into the Probate Court of Shelby County, Alabama.
5. That the City Clerk, upon the posting of the warranty bond, is hereby directed to notate that Shelby Farms Drive, Shelby Farms Lane, Shelby Farms Place,



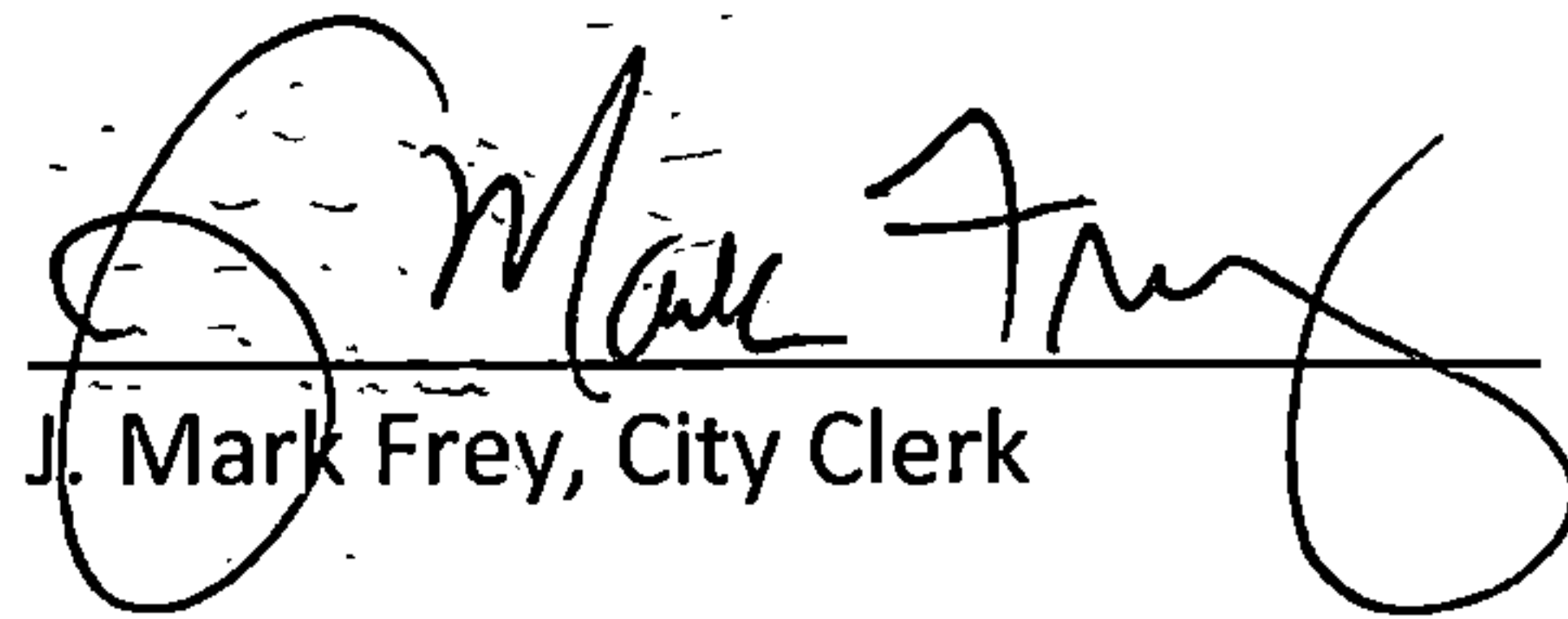
Shelby Farms Bend, Shelby Farms Circle, and Shelby Farms Way are accepted city roads for purposes of maintenance and upkeep.

6. That the Building Services Department is instructed, when issuing building and construction permits, to enforce Section 36-33, et seq, of the Alabaster Code of Ordinances (2015), and require bonding as set forth therein on the roads.
7. That the City of Alabaster does not accept for maintenance any other required improvements, including, but not limited to, detention and retention ponds, street lights, lot grades and drainage plans, and such are explicitly excluded from this Resolution.
8. That the Mayor is authorized to take any and all actions, execute any and all documents and instruments, make all determinations on behalf of the City of Alabaster, Alabama, necessary to carry out and effectuate the purposes of the above Resolution.

ADOPTED AND APPROVED THIS 10th DAY OF JANUARY 2022.

ATTEST:

CITY OF ALABASTER


J. Mark Frey, City Clerk


Sophie Martin, Council President

APPROVED:


Scott Brakefield, Mayor

EXHIBT A – QUITCLAIM DEED

RIGHT-OF-WAY DEED (ROAD AND UTILITY)

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) cash in hand paid by the CITY OF ALABASTER, ALABAMA, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby quitclaim, grant, convey and dedicate unto the said City, its successors and assigns, a right-of-way and easement for public purposes, including a public road and appurtenances, including drainage facilities, underground water and sewer lines and other public utilities and devices both below and above ground. Said right-of-way being located in Shelby County, Alabama and described as follows, to-wit:

Shelby Farms Drive

Shelby Farms Drive, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the NW corner of Lot 1, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence N 18°06'42" W a distance of 65.51' to the centerline of said roadway, said point being the point of beginning; thence with a curve turning to the right with an arc length of 118.73', with a radius of 299.98', with a chord bearing of N 79°48'45" E, with a chord length of 117.96'; thence S 88°50'58" E a distance of 660.32'; thence with a curve turning to the right with an arc length of 421.46', with a radius of 500.00', with a chord bearing of S 64°42'06" E, with a chord length of 409.09'; thence S 40°33'14" E a distance of 234.19' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Drive.

Shelby Farms Bend

Shelby Farms Bend, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the NE corner of Lot 80, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence S 88°50'58" E a distance of 36.00' to the centerline of said roadway, said point being the point of beginning; thence S 01°09'02" W a distance of 50.56'; thence with a curve turning to the left with an arc length of 296.50', with a radius of 300.00', with a chord bearing of S 27°09'48" E, with a chord length of 284.58'; thence S 55°28'38" E a distance of 131.80' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Bend.

Shelby Farms Lane

Shelby Farms Lane, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the NE corner of Lot 1, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence S 88°50'58" E a distance of 50.01' to the centerline of said roadway, said point being the point of beginning; thence S 01°09'02" W a distance of 13.09'; thence with a curve turning to the left with an arc length of 82.91', with a radius of 350.37', with a chord bearing of S 05°37'43" E, with a chord length of 82.72'; thence S 13°33'10" E a distance of 781.36'; thence S 89°14'50" E a distance of 914.67' to the termination of said Shelby Farms Lane.

Shelby Farms Way



Shelby Farms Way, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the SE corner of Lot 67, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence S 89°14'50" E a distance of 50.00' to the centerline of said roadway, said point being the point of beginning; thence N 00°45'10" E a distance of 175.00' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Way.

Shelby Farms Place

Shelby Farms Place, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the SE corner of Lot 59, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence S 89°14'50" E a distance of 50.00' to the centerline of said roadway, said point being the point of beginning; thence N 00°45'10" E a distance of 175.00' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Place.

Also, a 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the SE corner of Lot 59, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence S 89°14'50" E a distance of 50.00'; thence S 00°45'10" W a distance of 50.00' to the centerline of said roadway, said point being the point of beginning; thence S 00°45'10" W a distance of 250.81' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Place.

Shelby Farms Circle

Shelby Farms Circle, a 50 foot ROADWAY, according to the Amended Plat of Shelby Farms, as the same appears of record in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5.

A 50 foot ROADWAY being 25 feet in equal width of the following described line: Commence at the SE corner of Lot 36, Amended Plat of Shelby Farms, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 46, Page 5; thence N 88°42'55" E a distance of 50.00' to the centerline of said roadway, said point being the center of a 50.0 foot cul-de-sac and the point of beginning; thence N 00°45'10" E a distance of 475.82' to the center of a 50.0 foot cul-de-sac and the termination of said Shelby Farms Circle.

For the consideration aforesaid, the undersigned do quitclaim, grant, convey and dedicate unto said City the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or maintenance of any improvement or obstruction on, over, across or upon said area herein conveyed without the written permission from the City of Alabaster.

In consideration of the benefit to the property of the undersigned by reason of the construction of said improvement, the undersigned hereby release the City of Alabaster, Shelby County, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said improvement, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said the City of Alabaster that the undersigned are all the owners of said property and are each seized in fee-simple of said premises and have a good right to



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sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this 23rd day of September, 2021.

Newcastle Construction, Inc.

BY: [Signature]

ITS: Chief Financial Officer/Authorized Agent

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robin Trimm, Chief Financial Officer/Authorized Agent for Newcastle Construction, Inc., an Alabama Corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Alabama Corporation.

Given under my hand and official seal, this 23rd day of September, 2021.

My commission expires _____



[Signature]
Notary Public

Property Address: Streets/Roads in Shelby Farms

Grantor Address: 121 Bishop Circle, Pelham, AL 35124

Grantee Address: 1953 Municipal Way, Alabaster, AL 35007

Actual Value: \$1,000.00

Prepared By:

Cassy L. Duiley, Attorney at Law

3156 Pelham Parkway, Suite 2

Pelham, AL 35124

205.624.2121

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest and real property conveyed by this dedication instrument the day of JANUARY 10, 2022, from NEWCASTLE CONSTRUCTION INC to the CITY OF ALABASTER, has been duly accepted by Resolution of the City Council duly adopted on the 10th day of JANUARY, 2022, subject to all terms and conditions contained therein, and the City Council has consented to recordation of such dedication instrument by its duly authorized officer.

Dated JANUARY 10, 2022



Scott Brakesfield,
Mayor, CITY OF ALABASTER

ATTEST:



J. Mark Frey City Clerk

AFTER EXECUTION BY GRANTOR, PLEASE RETURN ORIGINAL TO:

CITY OF ALABASTER C/o City Clerk
1953 Municipal Way
Alabaster, AL 35007

AFTER RECORDING, PLEASE RETURN ORIGINAL TO:

CITY OF ALABASTER C/o City Clerk
1953 Municipal Way
Alabaster, AL 35007