

DECLARATION OF VACATION

STATE OF ALABAMA)
COUNTY OF MORGAN)

KNOW ALL MEN BY THESE PRESENTS, THAT:

BRUCE E. AND EDYTHE TRUOG, the owners of all property encumbered by the following Easement which lies within River Place Townhomes Subdivision Replat of Lots 24 through 49, as recorded by plat or map in the Morgan County Probate Judge’s Office, in Plat Book 7, at Page 35, and more specifically, lying within Unit 1 and Unit 2 of Certificate to Subdivide No. 1914-94, recorded in Deed Book 1522, at Page 55, and within Tract 2 of Certificate to Subdivide No. 2889-06, recorded in Misc Book 2007, at Page 356, all three parcels owned by **BRUCE E. AND EDYTHE TRUOG**, being hereinafter described, desiring to vacate the same, do hereby execute this written instrument declaring the same to be vacated and do hereby declare that the Easement, including, but not limited to, the use thereof for the erection and maintenance of telephone and electric power poles and lines and sewer, gas, storm drainage, telecommunications and water mains thereunder and for other appropriate and related purposes, situated in Decatur, Morgan County, Alabama and particularly described as follows, to-wit:

EASEMENT TO BE VACATED

A network of existing easements described as follows: Begin at the southwesterly corner of Tract 2 of Certificate to Subdivide No. 2889-06, as recorded in the Morgan County Probate Judge’s Office, in Misc Book 2007, at Page 356, and run thence N 60°44’52” E (Deed Bearing) a distance of 17.15 feet to a point; thence N 29°15’08” W a distance of 12.00 feet and the true point of beginning of the easement to be vacated as herein described; thence from the true point of beginning S 60°44’52” W a distance of 10.51 feet to a point; thence N 47°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 a distance of 19.43 feet to a point; thence N 17°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 and Unit 1 and Unit 2 of Certificate to Subdivide No. 1914-94, recorded in Deed Book 1522, at Page 55, a distance of 92.04 feet to a point; thence N 42°53’00” E a distance of 11.55 feet to a point; thence S 17°07’00” E parallel to and twenty (20.00’) east of the westerly property boundary of said Tract 2, Unit 1 and Unit 2, a distance of 95.13 feet to a point; thence S 47°07’00” E a distance of 19.97 feet to the true point of beginning, lying and being within Section 18, Township 5 South, Range 4 West, Decatur, Morgan County, Alabama, and said easement to be vacated containing **0.026 acres**, more or less.

It is hereby declared that the said vacation does not interrupt public streets, utilities or required storm drainage access to any areas served by the City of Decatur and that the easement so vacated is excessive to the needs of the City of Decatur in and about the maintenance and provision of public street, utilities and storm drainage.

It is further declared that the assent of the City Council of the City of Decatur, the governing body of the municipality in which such easement is located, to such vacation shall be procured, and said assent to be evidenced by a resolution adopted by such governing body, a copy of which, certified by the City Clerk of the City of Decatur, Alabama shall be attached to, and filed and recorded with this written Declaration of Vacation, and further that the assent of the City of Decatur Planning Commission to the foregoing vacation shall be procured, and said assent to be evidenced by a resolution adopted by the said City of Decatur Planning Commission, a copy of

which, certified by the Secretary thereof, shall be attached to and filed and recorded with this written Declaration of Vacation.

IN WITNESS WHEREOF, **BRUCE E. AND EDYTHE TRUOG** has caused this instrument to be executed in their name by their duly authorized agent, effective as of the _____ day of _____, 2012.

BRUCE E. TRUOG

EDYTHE TRUOG

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, _____, a Notary Public in and for said county in said state, hereby certify **BRUCE E. TRUOG** 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 the instrument, he, as such agent and with full authority, executed the same.

Given under my hand and official seal this _____ day of _____, 2012.

Notary Public
My Commission Expires:_____

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, _____, a Notary Public in and for said county in said state, hereby certify **EDYTHE TRUOG** 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 the instrument, he, as such agent and with full authority, executed the same.

Given under my hand and official seal this _____ day of _____, 2012.

Notary Public
My Commission Expires:_____

PLANNING COMMISSION RESOLUTION

STATE OF ALABAMA)
COUNTY OF MORGAN)

BE IT RESOLVED by the City of Decatur Planning Commission, that, in accordance with the provisions of Article 35 of Chapter 2 of Title 54, of the CODE OF ALABAMA, 1975, determination has been made upon presentation of material facts submitted by the owners of certain real property, **BRUCE E. AND EDYTHE TRUOG** that the easement contained within the boundaries of the hereinafter described property, to-wit:

EASEMENT TO BE VACATED

A network of existing easements described as follows: Begin at the southwesterly corner of Tract 2 of Certificate to Subdivide No. 2889-06, as recorded in the Morgan County Probate Judge’s Office, in Misc Book 2007, at Page 356, and run thence N 60°44’52” E (Deed Bearing) a distance of 17.15 feet to a point; thence N 29°15’08” W a distance of 12.00 feet and the true point of beginning of the easement to be vacated as herein described; thence from the true point of beginning S 60°44’52” W a distance of 10.51 feet to a point; thence N 47°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 a distance of 19.43 feet to a point; thence N 17°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 and Unit 1 and Unit 2 of Certificate to Subdivide No. 1914-94, recorded in Deed Book 1522, at Page 55, a distance of 92.04 feet to a point; thence N 42°53’00” E a distance of 11.55 feet to a point; thence S 17°07’00” E parallel to and twenty (20.00’) east of the westerly property boundary of said Tract 2, Unit 1 and Unit 2, a distance of 95.13 feet to a point; thence S 47°07’00” E a distance of 19.97 feet to the true point of beginning, lying and being within Section 18, Township 5 South, Range 4 West, Decatur, Morgan County, Alabama, and said easement to be vacated containing **0.026 acres**, more or less.

is determined to be void of public benefit and superfluous to any interest the City of Decatur, a municipal corporation in the State of Alabama, may have in the reasonable facilitation of traffic flow, or any other municipal interests, except for the retained easement described above, and

BE IT FURTHER RESOLVED that the City of Decatur Planning Commission does hereby assent to the vacation of said easement by the owners of the lands encumbered by the same and does hereby recommend to the City Council of Decatur, the governing body of the municipality in which said portion of said easement is located, that it assent to such vacation and adopt a resolution assenting to the same, a certified copy of which resolution to be attached to, filed and recorded with the written declaration of vacation.

ADOPTED this _____ day of _____, 2012.

**Secretary
City of Decatur Planning Commission**

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, _____, the duly elected, qualified and Secretary of the City of Decatur Planning Commission, hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City of Decatur Planning Commission at a meeting held thereof on the _____ day of _____, 2012, as the same appears on

file and of record in the minutes of said City of Decatur Planning Commission.

IN WITNESS whereof, I hereby affix my hand as _____ of the City of Decatur Planning Commission on this _____ day of _____, 2012.

_____, Secretary
City of Decatur, Planning Commission

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, the undersigned authority, a Notary Public in and for said County, in said state, hereby certify that _____ 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 the instruments, he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND OFFICIAL SEAL on this, the _____ day of _____ 2012.

Notary Public
My Commission Expires:_____

CITY COUNCIL RESOLUTION 12-102

STATE OF ALABAMA)
COUNTY OF MORGAN)

BE IT RESOLVED by the City Council of the City of Decatur, that, in accordance with the provisions of Section 35 of Chapter 2 of Title 54, of the CODE OF ALABAMA, 1975, determination has been made upon presentation of material facts submitted by the owners of certain real property, **BRUCE E. AND EDYTHE TRUOG**, the owner of all of the property that the following easement lies within, and hereinafter described property, to-wit:

EASEMENT TO BE VACATED

A network of existing easements described as follows: Begin at the southwesterly corner of Tract 2 of Certificate to Subdivide No. 2889-06, as recorded in the Morgan County Probate Judge’s Office, in Misc Book 2007, at Page 356, and run thence N 60°44’52” E (Deed Bearing) a distance of 17.15 feet to a point; thence N 29°15’08” W a distance of 12.00 feet and the true point of beginning of the easement to be vacated as herein described; thence from the true point of beginning S 60°44’52” W a distance of 10.51 feet to a point; thence N 47°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 a distance of 19.43 feet to a point; thence N 17°07’00” W parallel to and ten (10.00’) east of the westerly property boundary of said Tract 2 and Unit 1 and Unit 2 of Certificate to Subdivide No. 1914-94, recorded in Deed Book 1522, at Page 55, a distance of 92.04 feet to a point; thence N 42°53’00” E a distance of 11.55 feet to a point; thence S 17°07’00” E parallel to and twenty (20.00’) east of the westerly property boundary of said Tract 2, Unit 1 and Unit 2, a distance of 95.13 feet to a point; thence S 47°07’00” E a distance of 19.97 feet to the true point of beginning, lying and being within Section 18, Township 5 South, Range 4 West, Decatur, Morgan County, Alabama, and said easement to be vacated containing **0.026 acres**, more or less.

are determined to be void of public benefit and superfluous to any interest the City of Decatur, a municipal corporation in the State of Alabama, may have in the reasonable facilitation of traffic flow, utility installations, or any other municipal interests, and,

BE IT FURTHER RESOLVED that the assent of the City Council of the City of Decatur, Alabama, being the governing body of the municipality in which the above described right-of-way and easements, be and the same is given to the vacation by **BRUCE E. AND EDYTHE TRUOG** the owners of all lands thereon, of said portion of said easement;

BE IT FURTHER RESOLVED that the City Clerk of the City of Decatur, Morgan County, Alabama, be and she is hereby authorized and directed to attach a certified copy of this resolution to the declaration of vacation to be filed and recorded with the written declaration of vacation.

APPROVED this ____ day of _____, 2012.

Don Stanford, Mayor

AUTHENTICATED:

City Clerk

CERTIFICATE OF CITY CLERK

STATE OF ALABAMA)
COUNTY OF MORGAN)

I, Stacy A. Gilley, the duly elected, qualified and acting City Clerk of the City of Decatur, Alabama, hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Decatur, Alabama at a meeting held thereof on the ____ day of _____, 2012, as the same appears on file and of record in the minutes of said meeting in my possession and control.

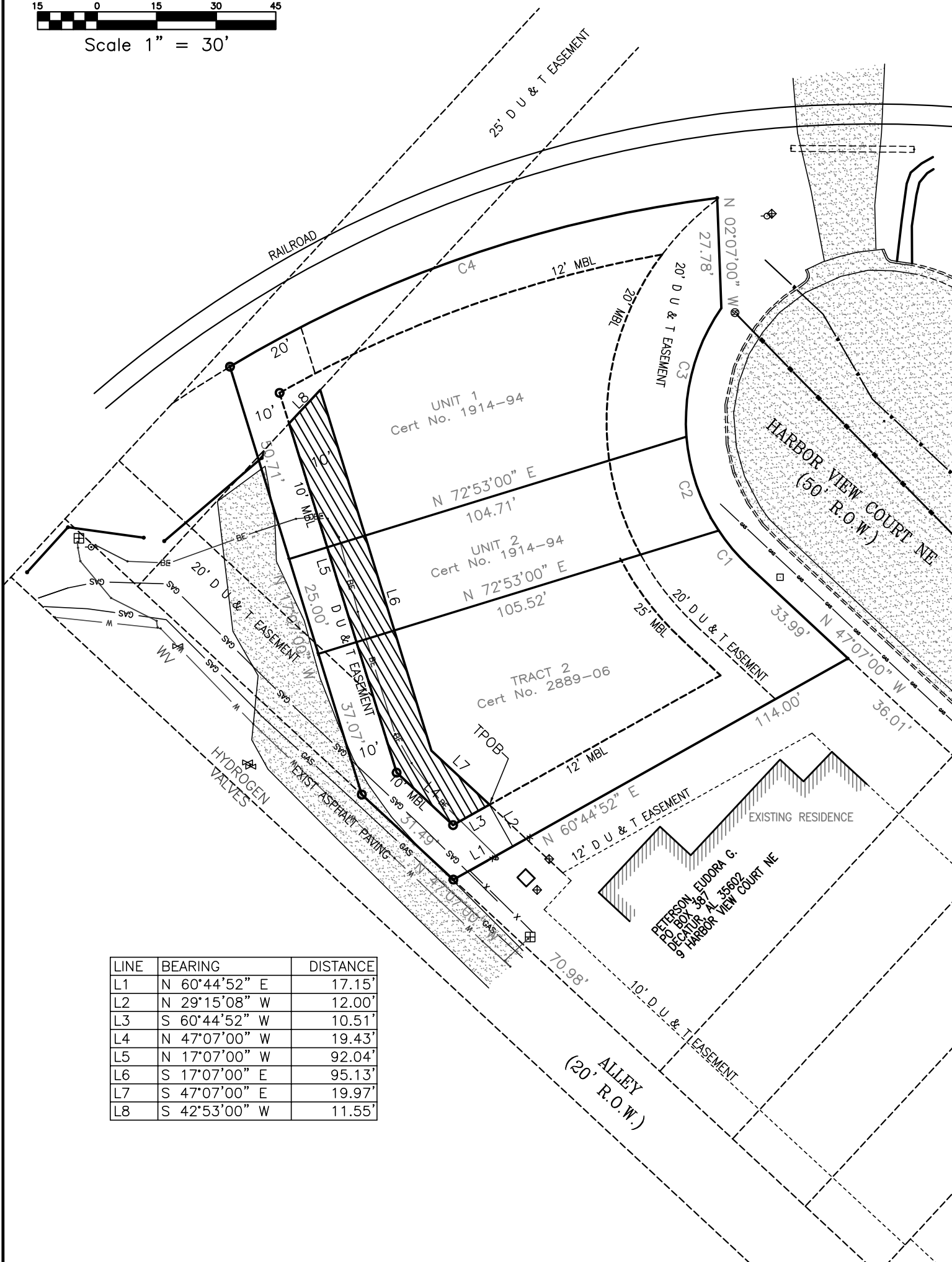
IN WITNESS whereof, I hereby affix my hand as City Clerk of the City of Decatur, Alabama on this ____ day of _____, 2012.

City Clerk of the City of Decatur, Alabama

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	11.93'	11.90'	S 40°16'58" E
C2	50.00'	25.28'	25.01'	S 18°57'48" E
C3	50.00'	34.24'	33.58'	S 15°08'04" W
C4	315.00'	130.84'	129.89'	S 70°53'24" W



Scale 1" = 30'



LINE	BEARING	DISTANCE
L1	N 60°44'52" E	17.15'
L2	N 29°15'08" W	12.00'
L3	S 60°44'52" W	10.51'
L4	N 47°07'00" W	19.43'
L5	N 17°07'00" W	92.04'
L6	S 17°07'00" E	95.13'
L7	S 47°07'00" E	19.97'
L8	S 42°53'00" W	11.55'

EASEMENT VACATION REQUEST – BRUCE E. AND EDYTHE TRUOG – WITHIN RIVER PLACE TOWNHOMES SUBDIVISION