



9/6/12 on a CHARMING SCALE

Planning Department

June 5, 2012

Honorable Mayor and City Council
City of Decatur
P.O. Box 488
Decatur, AL 35602

RE: Vacation Request No. 473-12

Gentlemen:

At the May 22, 2012 Decatur City Planning Commission meeting, action was taken to recommend to the City Council that they **approve** the above referenced request to vacate a portion of 20' wide alley ROW located in Block 103, Add #4 of the Decatur Land Improvement and Furnace Company to Decatur, AL. The property is located south of 8th St SE and west of 6th Ave SE.

If you have any questions concerning this request, please contact the City Planning Department.

Respectfully,

DECATUR CITY PLANNING COMMISSION

Karen J. Smith, Planner
for Gil Aldrich, Chairman

Cc: Herman Marks, City Attorney

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DECATUR

BE IT RESOLVED by the City Council of the City of Decatur that in accordance with 35-2-54 of the CODE OF ALABAMA, 1975 determination has been made upon presentation of material facts submitted by the owners of certain real property, to-wit; ***John Robin Thomas and Ninth Street United Methodist Church***, that the portion of the ***drainage, utilities and telecommunications easement and/or right-of-way*** contained within the boundaries of the hereinafter described property, to-wit:

All that portion of a Public Right of Way shown as a Public Alley, a 20' right of way lying east of lots 14 and 16 and west of lots 13 and 15 in Block 103, Addition 4 of the Decatur Land Improvement and Furnace Company to Decatur, Alabama, as recorded in Plat Book 1, pages 20 and 21, in the Office of the Judge of Probate, Morgan County, Alabama,

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, 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 portion of the ***drainage, utilities and telecommunications easement and/or right-of-way*** is located, be and the same is given to the vacation by ***John Robin Thomas and Ninth Street United Methodist Church***, the owners of all land abutting thereon, of said ***drainage, utilities and telecommunications easement and/or right-of-way***.

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

ADOPTED this _____ day of _____, 2012.

ATTEST:

Don Stanford, Mayor

City Clerk

CERTIFICATE OF CLERK

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

I, Stacy Gilley, City Clerk of the City of Decatur, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Decatur, Alabama, on the _____ day of _____, 2012.

Witness my hand and seal of office this the _____ day of _____, 2012.

City Clerk of the City of Decatur, Alabama

DECLARATION OF VACATION OF EASEMENT/RIGHT OF WAY

STATE OF ALABAMA)
)
COUNTY OF MORGAN)

KNOW ALL MEN BY THESE PRESENTS, THAT:

John Robin Thomas and Ninth Street United Methodist Church, owners of all of the property adjacent to that certain *drainage, utilities, and telecommunications easement and/or rights-of-way* hereinafter described and desiring to vacate the same, does hereby declare that a portion of the *drainage, utilities, and telecommunications easement and/or rights-of-way* situated in the City of Decatur, Morgan County, Alabama and particularly described as follows, to-wit:

All that portion of a Public Right of Way shown as a Public Alley, a 20' right of way lying east of lots 14 and 16 and west of lots 13 and 15 in Block 103, Addition 4 of the Decatur Land Improvement and Furnace Company to Decatur, Alabama, as recorded in Plat Book 1, pages 20 and 21, in the Office of the Judge of Probate, Morgan County, Alabama,

be and the same is hereby vacated and all public rights therein are hereby divested.

It is hereby declared that the said vacation will not interrupt existing public utilities or storm drainage access to any areas served by the City of Decatur. At the time of recordation of said vacation, a final plat will also be recorded dedicating easements for any public utilities in place in said rights-of-way or to be relocated under a proposed development plan.

It is further declared that the assent to the foregoing vacation be procured from the City Council of the City of Decatur, the governing body of the municipality in which said easement was located, and shall be assented to by a resolution adopted by said City Council, a copy of which, certified by the 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 Decatur City

Planning Commission to the foregoing vacation shall be procured, and said assent to be evidenced by a resolution adopted by the said Decatur City 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, John Robin Thomas has caused this instrument to be
executed this 4 day of MAY, 2012.

John Robin Thomas
John Robin Thomas

STATE OF ALABAMA)

COUNTY OF MORGAN)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby
certify that John Robin Thomas, whose name is signed to the foregoing declaration, and who is
known to me, acknowledged before me on this day that, being informed of the contents of the
declaration, she executed the same voluntarily on the day the same bears date.

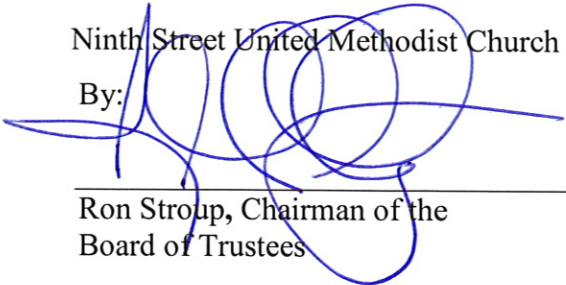
GIVEN under my hand this 4 day of May, 2012.

Michelle A. Jones
Notary Public
my commission expires
1-12-2016.

IN WITNESS WHEREOF, Ninth Street United Methodist Church has caused this instrument to be executed this 17th day of May, 2012.

Ninth Street United Methodist Church

By:



Ron Stroup, Chairman of the
Board of Trustees

STATE OF ALABAMA)

COUNTY OF MORGAN)

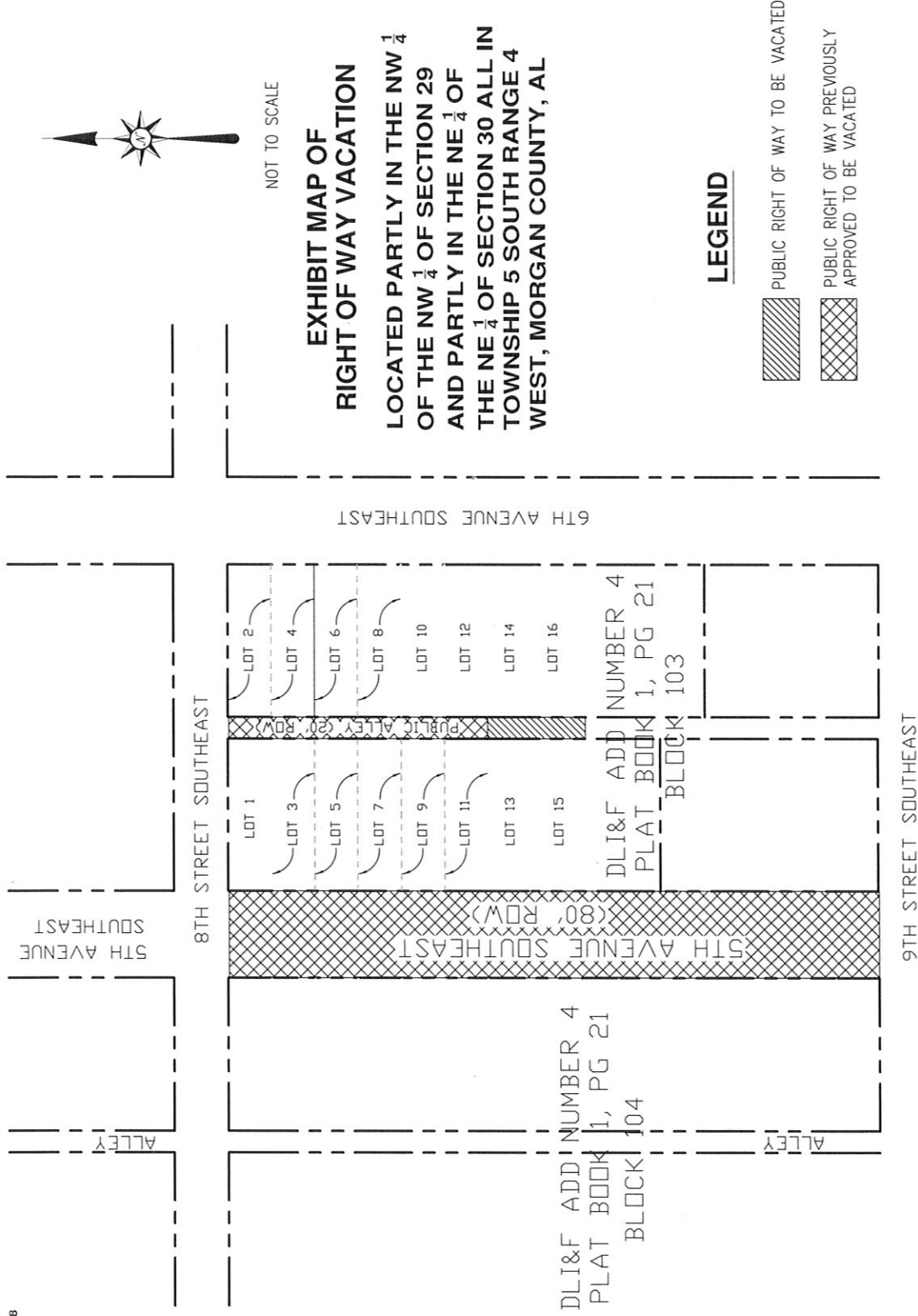
I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Ron Stroup, whose name as Chairman of the Board of Trustees of the Ninth Street United Methodist Church is signed to the foregoing declaration of vacation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he, in his capacity as such Chairman of the Board of Trustees with full authority executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 17 day of May, 2012.



Notary Public



PROJECT NO.: 11WAL98



**EXHIBIT MAP OF
RIGHT OF WAY VACATION**

LOCATED PARTLY IN THE NW $\frac{1}{4}$
OF THE NW $\frac{1}{4}$ OF SECTION 29
AND PARTLY IN THE NE $\frac{1}{4}$ OF
THE NE $\frac{1}{4}$ OF SECTION 30 ALL IN
TOWNSHIP 5 SOUTH RANGE 4
WEST, MORGAN COUNTY, AL

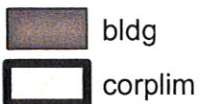
LEGEND

-  PUBLIC RIGHT OF WAY TO BE VACATED
-  PUBLIC RIGHT OF WAY PREVIOUSLY APPROVED TO BE VACATED

VACATION REQUEST 473-12



Legend



 SUBJECT PROPERTY

LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT



DRAWING NOT TO SCALE

APPLICANT: JOHN ROBIN THOMAS AND NINTH ST. UNITED
METHODIST CHURCH

ZONED RD

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. This map is provided without warranty of any kind, either expressed or implied.

STATE OF ALABAMA
COUNTY OF MORGAN

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DECATUR

BE IT RESOLVED by the Planning Commission of the City of Decatur that in accordance with 35-2-54 of the CODE OF ALABAMA, 1975 determination has been made upon presentation of material facts submitted by the owners of certain real property, to-wit; ***John Robin Thomas and Ninth Street United Methodist Church***, that the portion of the ***drainage, utilities and telecommunications easement and/or right-of-way*** contained within the boundaries of the hereinafter described property, to-wit:

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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, utility installations, or any other municipal interests, and

BE IT FURTHER RESOLVED that the assent of the Planning Commission of the City of Decatur, Alabama, does hereby recommend to the City Council of the City of Decatur, Alabama the governing body of the municipality having interest and jurisdiction in said ***drainage, utilities and telecommunications easement and/or right-of-way*** that said governing body adopt and place on file and of record in the Office of Probate Judge of Morgan County, Alabama, a duly certified resolution effecting the abandonment and vacation of any and all rights and interests under the Laws of Alabama to that certain ***drainage, utilities and telecommunications easement and/or right-of-way*** as described above.

ADOPTED this 05 day of 06, 2012.

ATTEST:



Secretary of the 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 Em Barran, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 5th day of June, 2012.

Lisa Diane Duke Thelie
Notary Public

My Commission Expires:
December 1, 2015