

STATE OF ALABAMA §
 §
COUNTY OF MORGAN §

RESOLUTION OF CITY COUNCIL 12-434

WHEREAS, Monty Belmont Gooch, Jr. and Summor Speakman Gooch, have presented to the Mayor and City Council of the City of Decatur, Alabama, a municipal corporation, their statement in writing, duly executed and acknowledged, setting forth that they are the owners of the property burdened by the described easement in favor of the City of Decatur, Alabama, and they desire to vacate same and it does by said statement vacate same, thereby divesting said property from the public and vesting same in said owners.

WHEREAS, the Mayor and the City Council of the City of Decatur, Alabama, a municipal corporation, do assent to and approve of the vacation thereof and the annulment of the dedication of said easement to the use of the City of Decatur, Alabama.

NOW THEREFORE, be it RESOLVED, by the Mayor and the City Council of the City of Decatur, Alabama, a municipal corporation, in accordance with §35-2-54, Code of Alabama, 1975, that upon presentation of material facts submitted by said owners that the act of the aforementioned parties in vacating the following described property is hereby ratified, approved, and confirmed, and the assent of the Mayor and City Council of the City of Decatur, Alabama, to such action is hereby given, said property to be vacated being described as follows, to-wit:

The northerly 25' utility and drainage easement as shown by survey prepared by James R. Beddingfield, dated January 17, 2011 attached hereto.

It is determined that the above described property is void of public benefit and superfluous to any interest the City of Decatur, Alabama, a municipal corporation, may have in the reasonable facilitation of traffic flow, utility installations, or any other municipal interests.

Be it further RESOLVED, that the City of Decatur, Alabama, a municipal corporation, does hereby remise, release, and quitclaim to the aforesaid parties whatever right, title, and interest the said City of Decatur, Alabama, a municipal corporation, may have in and to the above described property by virtue of the vacation of said property, and that Don Kyle, Mayor of the City of Decatur, Alabama, a municipal corporation, convey said property to the aforementioned parties by virtue of a quitclaim deed, thereby carrying out the intention of this paragraph, and the City Clerk of the City of Decatur, Alabama, is hereby authorized and directed to attest to the same on behalf of the City of Decatur, Alabama.

Be it further RESOLVED that the Clerk of the City of Decatur, Alabama, be, and she is hereby, authorized and empowered to deliver to the aforesaid owner a certified copy of this resolution, and that a certified copy of this resolution be placed on file and of record in the Office of the Probate Court of Morgan County, Alabama.

The above and foregoing resolution was read, adopted, and approved on the ____ day of _____, 2012, by the City Council of Decatur, Alabama.

Attested by:	CITY COUNCIL OF DECATUR, ALABAMA
 _____	BY: _____
City Clerk	President, City Council City of Decatur, Alabama

STATE OF ALABAMA §
 § Certificate of Clerk
COUNTY OF MORGAN §

I, _____, 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, at which a quorum was present, and that such resolution is still in full force and effect.

Witness my hand and seal of office as City Clerk of the City of Decatur, Alabama, this ____ day of _____, 2012.

City Clerk,
City of Decatur, Alabama

[illegible]

1250

STATE OF ALABAMA)
MORGAN COUNTY)


I, James R. Bedingfield, a registered Land Surveyor of Decatur Alabama, hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

A tract or parcel of land containing 1.06 acres, more or less, being a part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ $\frac{1}{4}$ of Section 10, Township 6 South, Range 5 West, City of Decatur, Morgan County Alabama, and being more particularly described as beginning at an iron pin on the Northwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section 10 and running along the north boundary of of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 10 North 89 degrees 20 minutes 20 seconds East a distance of 409.82 feet to the TRUE POINT OF BEGINNING: Thence continuing along the north boundary of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ North 89 degrees 20 minutes 20 seconds East a distance of 484.84 feet to a point on the northerly margin of Chapel Hill Road SW., said point also a point on a curve; thence leaving the north boundary of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and running southwesterly along the said northerly margin of Chapel Hill Road SW., as it curves to the left an arc distance of 82.52 feet (said curve having a radius of 358.66 feet with a chord bearing and distance of South 55 degrees 01 minutes 33 seconds West 82.33 feet) to the PC. of said curve; thence continuing along the northerly margin of Chapel Hill Road SW., South 48 degrees 26 minutes 06 seconds West a distance fo 156.30 feet to a point; thence leaving the northerly margin of Chapel Hill Road SW., and running North 75 degrees 55 minutes 54 seconds West a distance of 329.89 feet to a point; thence North 16 degrees 45 minutes 14 seconds East a distance of 68.00 feet to the true point of beginning.

SUBJECT TO a utility and drainage easement over the north 25 feet thereof.

that the buildings now erected on said property are within the boudaries of same, that there are no rights-of-way, easements or joint driveways over or across property visible on the surface, that there are no electrical or telephone wires, (excluding wires which serve the premises only) or structures or supports thereof, including poles, anchors and guy wires on or over said premises except as shown, and that the correct address is 2520 Chapel Hill Road SW., Decatur Alabama.

According to my survey this the 17th day of January, 2011.


James R. BEdingfield Reg. #9788
60 Meadowview Drive
Trinity Alabama
353-0326



STATE OF ALABAMA §
 §
COUNTY OF MORGAN §

RESOLUTION OF PLANNING COMMISSION

WHEREAS, Monty Belmont Gooch, Jr. and Summor Speakman Gooch, have presented to the Planning Commission of the City of Decatur, Alabama, their statement in writing, duly executed and acknowledged, setting forth that they are the owners of property burdened by the twenty five foot wide drainage and utility easement along the northerly line of the subject property as described hereinafter in favor of the City of Decatur, and that they desire to vacate same, thereby divesting said property from the public and vesting same in said owners, said property being described as follows, to-wit:

The northerly 25' utility and drainage easement as shown by the survey prepared by James R. Beddingfield, dated January 17, 2011 attached hereto.

NOW THEREFORE, be it RESOLVED by the Planning Commission of the City of Decatur, Alabama, in accordance with §35-2-54, Code of Alabama, 1975, and based upon material facts submitted by said owners it has been determined that said property is void of public benefit and superfluous to any interest the City of Decatur, Alabama, may have in the reasonable facilitation of traffic flow, utility maintenance or installation, or other municipal interests, that it consents to and recommends the approval of the vacation of the above described property, which is a twenty five foot wide drainage and utility easement along the northerly line of the subject property in favor of the City of Decatur, Alabama, to the City Council of the City of Decatur, Alabama, in favor of Monty Belmont Gooch, Jr. and Summor Speakman Gooch. A certified copy of this resolution shall be attached to, filed with, and recorded with the recorded Declaration of Vacation in the Probate Records of Morgan County, Alabama.

IN WITNESS WHEREOF, the City of Decatur Planning Commission has caused this resolution to be adopted on the ____ day of _____, 2012.

PLANNING COMMISSION OF THE
CITY OF DECATUR, ALABAMA

BY: _____
Its Secretary

STATE OF ALABAMA §
 §
COUNTY OF MORGAN §

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that _____, whose name as Secretary of the Planning Commission of the City of Decatur, Alabama, 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/she in his/her capacity as such officer, executed the same voluntarily on the day the same bears date.

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

Notary Public

CERTIFICATION

STATE OF ALABAMA §
 §
COUNTY OF MORGAN §

I, _____, the duly elected, authorized and acting Secretary of the City of Decatur Planning Commission, hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the City of Decatur Planning Commission at a meeting thereof held on the ____ day of _____, 2012, as the same appears in the minutes of said meeting on file and of record in the Office of the City of Decatur Planning Commission.

IN WITNESS WHEREOF, I have hereunto set my hand to this certificate on this ____ day of _____, 2012.

SECRETARY, CITY OF DECATUR PLANNING
COMMISSION

[illegible]

105

STATE OF ALABAMA)
MORGAN COUNTY)

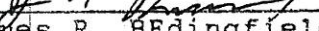
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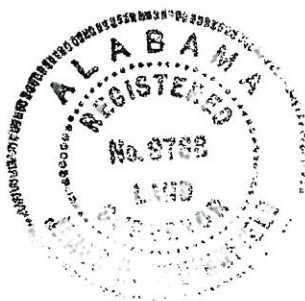
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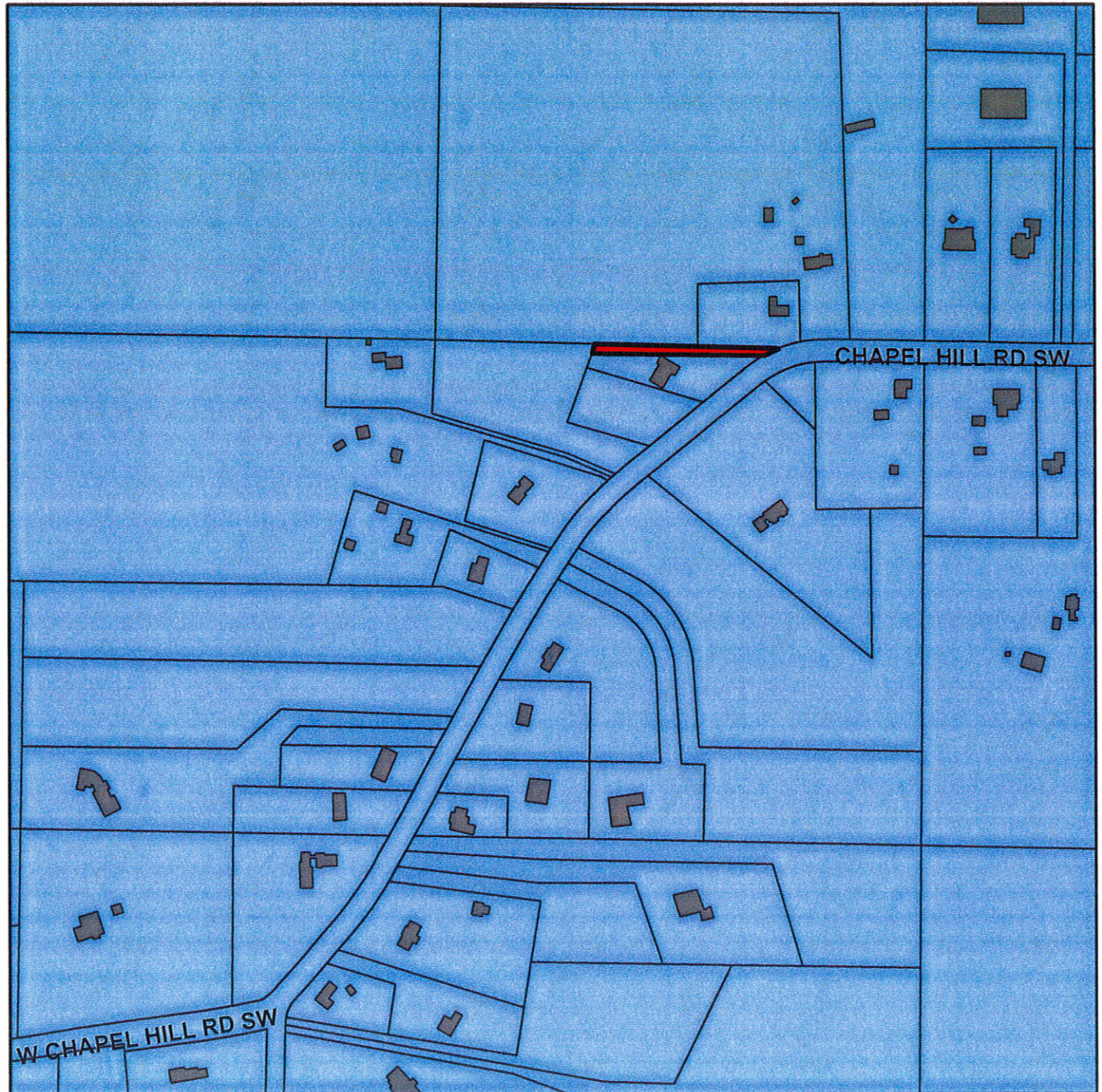
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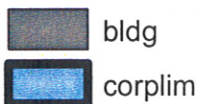

James R. BEDingfield Reg. #9788
60 Meadowview Drive
Trinity Alabama
353-0326



VACATION REQUEST 474-12



Legend



 SUBJECT PROPERTY

LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT



DRAWING NOT TO SCALE

APPLICANT: MONTY BELMONT GOOCH, JR. AND SUMMOR
SPEAKMAN GOOCH

ZONED AG-2

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.