

Sponsor: Bailey

RESOLUTION

WHEREAS, the attached declaration in writing (“Declaration”), executed and acknowledged by the owners having an interest in all of the land abutting the portion of right-of-way located in the City of Florence in Lauderdale County, Alabama, and described in the Declaration (“Right-of-Way”), has been filed with the City Council of the City of Florence, Alabama, which declares the aforesaid portion of Right-of-Way to be vacated; and

WHEREAS, the City Council of the City of Florence, Alabama, has considered said vacation and abandonment, and it is the opinion of the said Council that the proposed vacation and abandonment of the Right-of-Way will not affect the means of ingress and egress to and from the property abutting said Right-of-Way, and convenient means of ingress and egress to and from their property will be afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey, either by the remaining streets and alleys dedicated by such map, plat or survey, or by other streets or alleys dedicated; and

WHEREAS, it appears to the City Council of the City of Florence, Alabama, that the allegations of the Declaration are true; that all of the property owners owning property abutting the Right-of-Way have entered into the execution of the Declaration; that the provisions of Section 35-2-54 of the CODE OF ALABAMA 1975, as amended, have been complied with; and that the Declaration is sufficient to effectuate the vacation of the Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, as follows:

1. The assent of the City Council of the City of Florence, Alabama, is hereby given to the vacation of the Right-of-Way in conformity with the Declaration heretofore filed.
2. The City Council of the City of Florence, Alabama, does hereby vacate and abandon to the abutting property owners the Right-of-Way.

ADOPTED this _____ day of _____, 2024.

CITY COUNCIL

APPROVED this _____ day of _____, 2024.

MAYOR

APPROVED AND ADOPTED this _____ day of _____, 2024.

CITY CLERK - TREASURER

DECLARATION OF VACATION OF 40 FOOT RIGHT-OF-WAY

WHEREAS, the undersigned, **ST. JOSEPH CATHOLIC PARISH, FLORENCE**, is the owner of, and the only entity having an interest in, all of the land abutting the platted, unimproved 40 foot portion of right-of-way along the south side of East Tennessee Street in the City of Florence, Alabama as described and shown more particularly on the survey and legal description collectively attached hereto as **Exhibit "A"** and incorporated herein by reference ("subject right-of-way");

WHEREAS, the said owner desires the subject right-of-way to be vacated; and

WHEREAS, after said vacation, convenient means of ingress and egress to and from their property will be afforded to all other property owners owning property in that tract or those tracts of land embraced in the same map, plat, or survey, either by the remaining streets and alleys dedicated by such map, plat, or survey or by any other dedicated streets or alleys.

NOW THEREFORE, in consideration of the premises and in compliance with Alabama Code 1975, § 35-2-54, as amended, the undersigned owner does hereby declare the subject right-of-way to be vacated and abandoned to the abutting property owner, St. Joseph Catholic Parish, Florence.

The purposes of the execution of this declaration are to effect the vacation and abandonment of the subject right-of-way to the abutting property owner, to destroy the force and effect of any dedication of the subject right-of-way by map, plat, or survey, or otherwise, and to divest any and all rights of the public, including any

rights which may have been acquired by prescription or otherwise, in the subject right-of-way.

The subject right-of-way lies within the corporate limits of Florence, Alabama.

A certified copy of a resolution evidencing the assent of the City Council of the City of Florence, Alabama, to the vacation of the subject right-of-way is attached hereto and made a part hereof and marked as **Exhibit "B."**

IN WITNESS WHEREOF, the undersigned owner and only entity having an interest has hereunto set its hand and seal on this 17th day of September, 2024



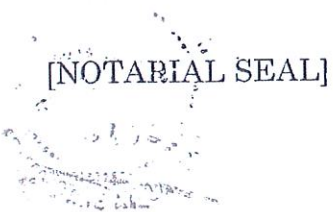
ST. JOSEPH CATHOLIC PARISH, FLORENCE
By: Reverend Father Jonathan Paul Howell
As: Its Priest


STATE OF ALABAMA §
 §
COUNTY OF LAUDERDALE §

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that REV. FR. JONATHAN PAUL HOWELL, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day, that, being informed the contents of the declaration, s/he has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 17th day of September,

2024.





Notary Public
My Commission Expires September 16, 2025

Exhibit “A”

State of Alabama
County of Lauderdale

LEGAL DESCRIPTION

A tract of land being part of Tennessee St. (100' Right of way), according to the plat of same as recorded in the Office of the Judge of Probate of Lauderdale County, Alabama in Plat Book 1, Page 129 being more particularly described as follows: Begin at a 1" crimp top pin found on the Northwest corner of Lot 5, Block 464; thence North 48°18'34" West a distance of 40.86 feet to a point; thence North 62°27'41" East a distance of 456.88 feet to a point; thence South 27°34'02" East a distance of 37.98 feet the Northeast corner of lot 8, Block 464; thence South 62°25'58" West a distance of 442.41 feet to the point beginning of the tract of land hereby described. Said tract of land contains 0.39 Acres more or less and is subject to any right of ways, easements, or restrictions affecting said parcel.

LESS AND EXCEPT a 10 foot wide by 456.88 foot long Water Utility Easement retained by the City of Florence, Alabama on the portion adjacent to the new East Tennessee Street right-of-way line, to allow maintenance on the existing 12 inch water main as shown on the Specific Purpose Plat for Vacation.

9/20/24

Exhibit “B”

Sponsor: Bill Musgrove

STATE OF ALABAMA §
 §
LAUDERDALE COUNTY §

RESOLUTION

WHEREAS, the attached declaration in writing (“Declaration”), executed and acknowledged by the sole owner having an interest in all of the land abutting the platted, unimproved 40 foot portion of right-of-way along the south side of East Tennessee Street in the City of Florence, Alabama as described and shown more particularly on the survey and legal description attached to the Declaration as **Exhibit “A”** (“subject right-of-way), which declares the aforesaid subject right-of-way to be vacated; and

WHEREAS, the City Council of the City of Florence, Alabama has considered said vacation and abandonment and it is the opinion of said Council that the proposed vacation and abandonment of the subject right-of-way will not affect the means of ingress and egress to and from the property abutting the subject right-of-way, and convenient means of ingress and egress to and from their property will be afforded to all other property owners owning property in the tract of land embraced in the map, plat, or survey, or by other streets or alleys dedicated; and

WHEREAS, it appears to the City Council of the City of Florence, Alabama, that the allegations of the Declaration are true; that all of the property owners owning property abutting the subject right-of-way have entered into the execution of the Declaration; that the provisions of Alabama Code 1975, § 35-2-54 have been strictly complied with; and that the Declaration is sufficient to effectuate the vacation of the said subject right-of-way.

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

1. The assent of the City Council of the City of Florence, Alabama, is hereby given to the vacation of the subject right-of-way in conformity with the Declaration heretofore filed.

2. The City Council of the City of Florence, Alabama, does hereby vacate and abandon to the abutting property owner the subject right-of-way.

ADOPTED this _____ day of _____, 2024

APPROVED this _____ day of _____, 2024

MAYOR

ADOPTED and APPROVED this _____ day of _____,
2024

CITY CLERK

June 5, 2024

St. Joseph Catholic School
Attn: James T. Alexander
115 Plum St.
Florence, AL 35630

At the regular scheduled meeting on May 28, 2024 the Florence Planning Commission considered your request for a Right-of-Way Vacation for the 40' R.O.W. located adjacent to Tennessee St. It was the decision of the commission to recommend this request to the Florence City Council for final action subject to satisfying all departmental comments. Attached is a copy of the departmental comments for your records. Please consult with the Florence City Attorney's Office in order to file a Declaration of Vacation in order to be placed on a Florence City Council Agenda for final action for this request.

If you have any questions regarding this letter, you may contact this office at 256-740-8806.

A handwritten signature in blue ink, appearing to read "Skylar Taylor".

Skylar Taylor
Associate Planner
Department of Planning and Community Development

Cc: Todd Alexander, Alexander Land Surveying
Tim Truitt, Florence Water/Wastewater Department
Ryan Orrick, Florence Fire Department