

R235 -08/09

RESOLUTION OF A MUNICIPALITY
ASSENTING TO VACATION OF AN UNOPENED ROAD

WHEREAS, a petition signed by Thomas A. Gilmore, Sandra M. Gilmore, Sarah M. Washington and Crosspoint Christian Church, an Alabama non-profit organization, owners of all lands abutting the following described unopened road, situated in the City of Selma, Dallas County, Alabama, requesting the vacation of said unopened road, has been duly presented to the City Council of the City of Selma, Alabama for assent and approval of said governing body; and

WHEREAS, pursuant to Section 23-4-2 of the Code of Alabama 1975 notice of said request of vacation was posted at the Dallas County Courthouse, published four (4) consecutive weeks in the Selma Times Journal, a local newspaper and a public hearing was held on September 8, 2009 in compliance with statutory law of the Code of Alabama; and

WHEREAS, notice of said request of vacation was further served via Certified U.S. Mail to all abutting land owners and entities known to have facilities and/or equipment such as utility lines, both aerial and burial within the public right-of-way of the unopened road to be vacated; and

WHEREAS, the unopened road above referred to is more particularly described as follows:

That portion of a certain 20 foot road described on the plat of Valley Farms recorded in Map Book 1, Page 114, in the Probate Office of Dallas County, Alabama, lying between Lots 8 & 9 of Valley Farms Subdivision and bounded on the North by the L & N Railroad and on the South by West Dallas Avenue.

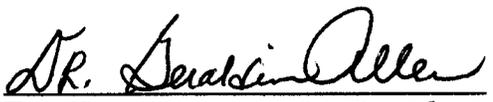
WHEREAS, the City Council of the City of Selma, Alabama has determined that convenient means of ingress and egress to, from and across their property is afforded to all property owners abutting the herein described unopened road.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELMA AS FOLLOWS:

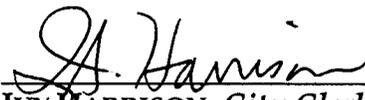
That the City of Selma hereby assents and approves the vacation of the herein above described unopened road and the same is hereby given, granted and vacated pursuant to the provisions of Section 23-4-20 of the Code of Alabama 1975 and subject to the reservation of any utility easements for installation and maintenance of public utilities and drainage pipes.

BE IT FURTHER RESOLVED, that all entities and public utilities that are currently located within said right-of-way of the unopened road sought to be vacated shall continue to maintain an easement over, across and through the right-of-way of the unopened road and the same, its successors and assigns shall have the right to continue the maintenance and operation of the public utilities, lines, equipment and drainage pipes, including those now existing and constructed or placed thereon in the future.

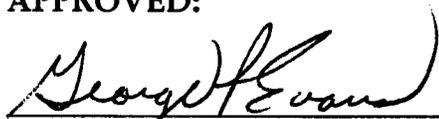
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA
this the 8th day of September, 2009.


DR. GERALDINE ALLEN, *President*

ATTEST:


IVY HARRISON, *City Clerk*

APPROVED:


GEORGE P. EVANS, *Mayor*