

**RESOLUTION  
R246-09/10**

STATE OF ALABAMA

COUNTY OF DALLAS

**RESOLUTION OF CITY OF SELMA  
VACATING PORTION OF OAK STREET**

**WHEREAS**, pursuant to Section 23-4-20, *et seq.* of the Code of Alabama, the owner or owners of land abutting to a street or alley or abutting that portion of the street or alley may petition the governing body of the municipality to vacate a public street, alley, or highway, or portion thereof; and,

**WHEREAS**, Norfolk Southern on April 13, 2010 submitted a petition requesting assent and approval of said governing body to vacate a portion of Oak Street, more particularly described, that portion of Oak street whereby Norfolk Southern railroad has right-a-way of approximately 50 feet in the direction North and 50 feet in the direction South of the railroad tracks, intersecting Oak Street and thereby creating a dead end at Norfolk Southern right-a-way property line on the South side and North side of the tracks on Oak Street.

**WHEREAS**, the same has been surveyed and is more particularly described with accuracy as Exhibit "A" (0.12 acres, more or less of Oak Street) attached hereto and incorporated herein by this reference.

**WHEREAS**, the City of Selma issued legal notice to consider the vacation of a portion of Oak Street, more particularly described with accuracy in Exhibit "A" (0.12 acres, more or less of Oak Street) attached hereto and incorporated herein by this reference, and set a public hearing thereon; and,

**WHEREAS**, the City of Selma published notice of the proposed hearing on said vacation in the Selma Times-Journal once a week for four consecutive weeks, pursuant to Section 23-4-2 of the Code of Alabama; and,

**WHEREAS**, the said legal notice fixed a time and place for hearing all persons interested in or objecting to the proposed vacation, to wit: On Tuesday, June 8, 2010, at 4 p.m. of said day, at City Hall in the Council Chambers located at 222 Broad Street, Selma, Alabama; and,

**WHEREAS**, the City of Selma posted a copy of the notice of the proposed hearing on a bulletin board at the Dallas County courthouse, pursuant to Section 23-4-2 of the Code of Alabama; and,

**WHEREAS**, the City of Selma served by U.S. mail a copy of the notice of the proposed hearing on all abutting and nearby landowners and entities known to have facilities or equipment within the public right-of-way of the streets, or portions thereof to be vacated and described in Exhibit "A" (0.12 acres, more or less of Oak Street), hereto, which abutting landowners and entities are listed as follows: Alagasco, Alabama Power Company, Charter Communications, AT&T of Alabama, Norfolk Southern Railroad, Selma Water Works and Sewer, Kelly Selma LLC, William F. Cosby, Jr., Miller & Company Inc., and Erwin W. Funderburk, all pursuant to Section 23-4-2 of the Code of Alabama; and,

**WHEREAS**, the City Council of Selma has determined that a convenient means of ingress and egress is afforded to all other property owners in the area in which the hereinabove described real estate is located by the remaining streets, alleys and avenues therein located.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The City Council of Selma finds that it is in the best interest of the public that the public right-of-way which is described with accuracy in Exhibit "A" (0.12 acres, more or less of Oak Street) attached hereto, and made a part hereof by reference thereto, should be and is vacated.

2. It is hereby assented to and approved by the Selma City Council that the public right-of-way lying within the heretofore described territory be and the same is hereby abandoned and vacated pursuant to and in accordance with Section 23-4-1 *et seq.* of the Code of Alabama.

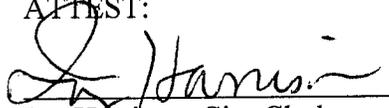
3. That convenient and reasonable means of ingress and egress are afforded to all other property owners in the area in which the subject property is located, by remaining streets or alleys therein located; and, the vacation of the subject property will not interfere with the rights of the public.

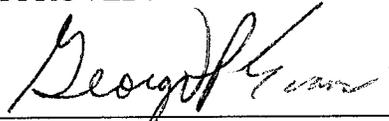
4. That this Resolution shall become effective upon approval by the Selma City Council and publication in the Selma Times Journal.

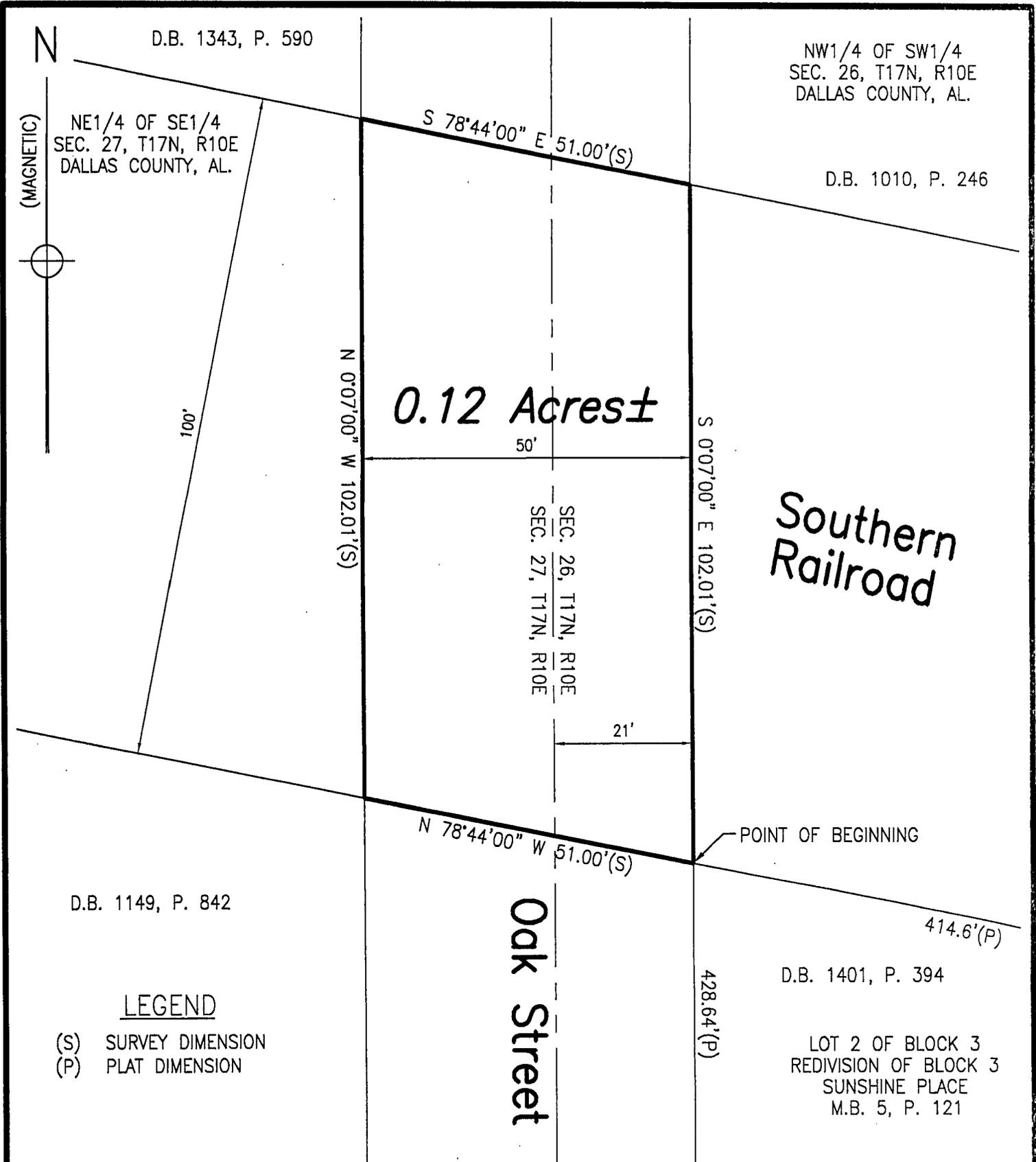
5. The City Clerk is hereby directed to cause a certified copy of this resolution attested under seal of the City of Selma to be filed in the Probate Court of Dallas County and further have a copy of the same published in the Selma Times Journal within 14 days after passage.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA,**  
on this the 13th day of July, 2010.

  
\_\_\_\_\_  
Dr. Cecil Williamson, President

ATTEST:  
  
\_\_\_\_\_  
Ivy Harrison, City Clerk

APPROVED:  
  
\_\_\_\_\_  
George P. Evans, Mayor



D.B. 1343, P. 590

NW1/4 OF SW1/4  
SEC. 26, T17N, R10E  
DALLAS COUNTY, AL.

D.B. 1010, P. 246

NE1/4 OF SE1/4  
SEC. 27, T17N, R10E  
DALLAS COUNTY, AL.

**0.12 Acres ±**

**Southern  
Railroad**

**Oak Street**

D.B. 1149, P. 842

D.B. 1401, P. 394

LOT 2 OF BLOCK 3  
REDIVISION OF BLOCK 3  
SUNSHINE PLACE  
M.B. 5, P. 121

LEGEND

- (S) SURVEY DIMENSION
- (P) PLAT DIMENSION

STATE OF ALABAMA  
COUNTY OF DALLAS

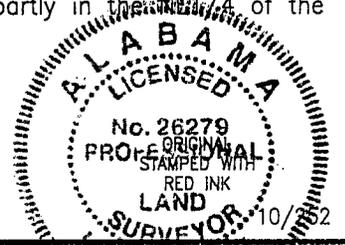
TO ALL INTERESTED PARTIES:  
SCALE: 1" = 20'

This is to state that on the 28th day of June, 2010, I, Lonnie J. Autery, Alabama Licensed Professional Land Surveyor No. 26279, Northport, Alabama, made/supervised an accurate survey which meets the requirements of the Standards Of Practice For Surveying in the State of Alabama to the best of my belief and knowledge of the following described property:

Beginning at the northwest corner of Lot 2 of Block 3, according to the Redivision of Block 3, Sunshine Place as recorded in Map Book 5 at Page 121 in the Probate Office of Dallas County, Alabama; thence run N 78°44'00" W for 51.00 feet to a point; thence run N 0°07'00" W for 102.01 feet to a point; thence run S 78°44'00" E for 51.00 feet to a point; thence run S 0°07'00" E for 102.01 feet to the Point of Beginning. Said described property contains 0.12 acres, more or less, and lies partly in the NW1/4 of the SW1/4 of Section 26 and partly in the NE1/4 of the SE1/4 of Section 27, all in T17N, R10E, Dallas County, Alabama.

GIVEN UNDER MY HAND AND SEAL, this the 29th day of June, 2010.

Lonnie J. Autery  
Licensed Professional Land Surveyor No. 26279



**ALS** AUTERY LAND  
SURVEYING, INC.

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