

easement covering the above described property is excessive to the need of the City of Decatur in and about the maintenance and provision of public utilities or storm drainage.

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, _____ has caused this instrument to be executed this _____ day of _____, 20 .

Applicant's Name

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 is signed to the foregoing declaration, and who is know to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand this _____ day of _____, 20 .

Notary Public

STATE OF ALABAMA)
COUNTY OF MORGAN)

RESOLUTION OF THE DECATUR PLANNING COMMISSION

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 owner of certain real property, to-wit, **OWNER'S NAME** 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:

Begin at an iron pin on the northwest corner of Lot 1, XYZ Subdivision, as recorded by map or plat in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 8, at Page 111, and run thence N 89°55'00" E along the north boundary of Lots 1, 2 and 3 of said XYZ Subdivision and along the south right-of-way margin of City Drive, NW a distance of 999.99 feet to a point; thence S 00° 09'08" E a distance of 99.00 feet to the true point of beginning of the easement to be vacated as herein described; thence from the true point of beginning N 89°55'00" E a distance of 9.99 feet to the true point of beginning...
...lying and being within the SE 1/4 of Section 10, Township 5 South Range 5 West, Decatur, Morgan County, Alabama, and containing 0.9999 acres, more or less.

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 Planning Commission of the City of Decatur does hereby recommend to the City Council of Decatur, 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, 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 _____ day of _____, 20 .

ATTEST: _____
Secretary to the Planning
Commission of the City of Decatur

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 City of Decatur Planning Commission, 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 in his 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 _____,
20 .

Notary Public

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 owner of certain real property, to-wit;

OWNER'S NAME, 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:

Begin at an iron pin on the northwest corner of Lot 1, XYZ Subdivision, as recorded by map or plat in the Office of the Judge of Probate for Morgan County, Alabama, in Plat Book 8, at Page 111, and run thence N 89°55'00" E along the north boundary of Lots 1, 2 and 3 of said XYZ Subdivision and along the south right-of-way margin of City Drive, NW a distance of 999.99 feet to a point; thence S 00° 09'08" E a distance of 99.00 feet to the true point of beginning of the easement to be vacated as herein described; thence from the true point of beginning N 89°55'00" E a distance of 9.99 feet to the true point of beginning...
...lying and being within the SE 1/4 of Section 10, Township 5 South Range 5 West, Decatur, Morgan County, Alabama, and containing 0.9999 acres, more or less.

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 OWNER'S NAME, the owner 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 _____, 20 .

ATTEST:

President of the City Council

City Clerk

AUTHENTICATED:

City Clerk

APPROVED this _____ day of _____, 2007

Don Kyle, Mayor

CERTIFICATE OF CLERK

STATE OF ALABAMA)
)
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 _____, 20 .

Witness my hand and seal of office this the _____ day of _____, 20 .

City Clerk of the City of Decatur, Alabama