

Resolution 2025-R-27

Clerk: LSBHAM

***Resolution assenting to vacation of an easement
at 4129 Brookmont Drive, Irondale, Alabama***

WHEREAS, the Owner of certain property within the City of Irondale, Alabama has executed and submitted to the City of Irondale a written petition (“Petition”) for vacation of an easement at 4129 Brookmont Drive, Irondale, Alabama (a copy of such petition is attached hereto as Exhibit B), seeking assent by the City to such vacation, thereby divesting from the City and the public, and investing into the Owner, any and all right, title, claim, and interest which the City and the public may have in and to said real property described below (and depicted in Exhibit A), which heretofore may have been acquired by or dedicated to the City and the public by virtue of deed, plat, prescription, public user, or otherwise; and

WHEREAS, Robert M. Adams and Peter J. Adams (collectively, “Owner”), abutting landowner, has petitioned the City seeking such vacation; and

WHEREAS, the real property requested to be vacated by the Owner in the Petition is as follows: (“Property”)

Commence at the northeast corner of Lot 3 of Brookmont third sector second phase resurvey & acreage as recorded in Map Book: 174, Page: 45 in the office of the Judge of Probate in Jefferson County, Alabama, said point being a 5/8” capped rebar stamped “KB Weygand”; thence run S 21°07’59” W for a distance of 286.82 feet to a point; thence run N 68°52’01” W for a distance of 7.50 feet to the point of beginning; thence run N 63°52’01” W for a distance of 169.53 feet to a point; thence run N 59°26’31” W for a distance of 61.86 feet to a point; thence run S 21°44’41” W for a distance of 15.18 feet to a point; thence run S 59°26’31” E for a distance of 60.11 feet to a point; thence run S 63°52’01” E for a distance of 171.42 feet to a point; thence run N 21°07’59” E for a distance of 15.06 feet to a point. Said easement containing 0.08 acres, more or less.

WHEREAS, pursuant to § 35-2-54 of the Code of Alabama, the assent of the City Council of the City of Irondale is required to effectuate the vacation of the Property; and

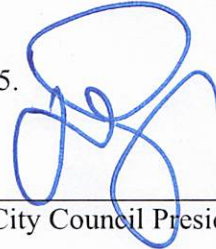
WHEREAS, the City engineer has reviewed the proposed legal descriptions as petitioned and otherwise recommends the Petition for Vacation (Exhibit B) and its map depicting the property to be vacated (Exhibit A) be recorded in the Probate Court of Jefferson County; and

WHEREAS, the City Council has agreed to assent to and approve the vacation of the Property as requested by the Owner in the Petition.

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

1. A determination has been made upon presentation of material facts submitted by the Owner of the Property in the Petition that the vacation of the Property at 4129 Brookmont Drive is hereby assented to, authorized and ratified by the City Council of the City of Irondale, Alabama as required by Alabama Code § 35-2-54 and the same is hereby vacated and annulled and all public rights and easements of the Property thereon divested.
2. The effect of the vacation of the Property and to the Owner thereof as described above is to vest title of that portion of the Property, which directly abuts onto such owner's property, into such owner's name.
3. The City Clerk of the City of Irondale, Alabama is hereby authorized and empowered to attach a certified copy of this resolution to the Petition for vacation (Exhibit B) and maps depicting the area of vacation (Exhibit A) and to file the same with the proper office of the Judge of Probate.

ADOPTED & APPROVED: This 4th day of February, 2025.



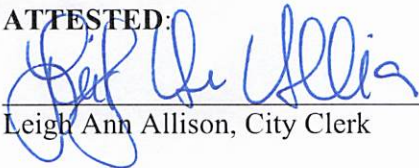
David Spivey, City Council President

APPROVED:



James D. Stewart, Jr., Mayor

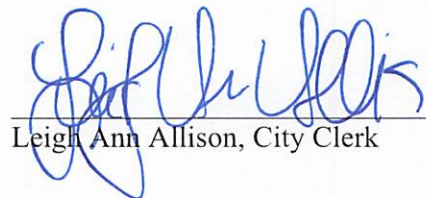
ATTESTED:



Leigh Ann Allison, City Clerk

CERTIFICATION

I, Leigh Ann Allison, the City Clerk of the City of Irondale, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Irondale at its regular meeting held on the 4th day of February, 2025, as the same appears in the minutes of record of said meeting.



Leigh Ann Allison, City Clerk

EXHIBIT A

SURVEY

EXHIBIT B

PETITION FOR VACATION

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being the owner of all lands abutting that portion of the easement described below, pursuant to and in accordance with the provisions of § 35-2-54 of the *Code of Alabama* (1975), does hereby declare such portion of the easement vacated and request the assent of the City Council of the City of Irondale to the vacation of said easement and its approval of the vacation of the portion or portions of the easement located in the corporate limits of the City of Irondale, Alabama, described and shown as follows, to wit:

See attached "EXHIBIT A"

The portion of the easement to be vacated is shown by the map attached hereto as Exhibit B. The said owner does further declare that, after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners owning property in the tract of land embraced in the map by the remaining public ways dedicated to the public for public road purposes.

IN WITNESS WHEREOF, the undersigned have executed this instrument and caused this instrument to be dated as of the 30th day of January, 2025.

[Signature Page Follows]

Peter J. Adams

By: *Peter J. Adams*
Name: Peter J. Adams

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Peter J. Adams, whose name 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 said instrument, he executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal of office, this 30th day of January, 2025.

[NOTARIAL SEAL]



Wilma Taylor Penick
Notary Public

My Commission Expires: 6/17/25

Robert M. Adams

By: Robert M. Adams
Name: Robert M. Adams

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Robert M. Adams, whose name 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 said instrument, he executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal of office, this 30th day of January, 2025.

Wilma Taylor Penick
Notary Public

[NOTARIAL SEAL]



My Commission Expires: 6/17/25

EXHIBIT A

LEGAL DESCRIPTION

Commence at the northeast corner of Lot 3 of Brookmont third sector second phase resurvey & acreage as recorded in Map Book: 174, Page: 45 in the office of the Judge of Probate in Jefferson County, Alabama, said point being a 5/8" capped rebar stamped "KB Weygand"; thence run S 21°07'59" W for a distance of 286.82 feet to a point; thence run N 68°52'01" W for a distance of 7.50 feet to a point to the point of beginning; thence run N 63°52'01" W for a distance of 169.53 feet to a point; thence run N 59°26'31" W for a distance of 61.86 feet to a point; thence run S 21°44'41" W for a distance of 15.18 feet to a point; thence run S 59°26'31" E for a distance of 60.11 feet to a point; thence run S 63°52'01" E for a distance of 171.42 feet to a point; thence run N 21°07'59" E for a distance of 15.06 feet to a point. Said easement containing 0.08 acres, more or less.