

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD**

March 7, 2011

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:30 p.m. on the 7<sup>th</sup> day of March, 2011 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Bill Howard. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, NEAL WILLIS, JERRY KNIGHT GRISSOM  
JAMES HOLLAND, ALLEN NOLES, DAVID H. BRADFORD  
ABSENT: NONE

Richard Williams, City Clerk, was present and kept the minutes of the meeting.

David Bradford, Mayor of the City, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business.

Upon motion duly made by Council Member Holland seconded by Council Member Willis and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of February 21, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate Randolph Avenue, portions of Dearborn Street and certain alleyways in Union Terrace Subdivision #2.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION**

**WHEREAS**, the undersigned, HOLLIS ISBELL and MILDRED G. ISBELL, herein referred to as "Petitioners" are the owners of the lands and properties in said subdivision known as **UNION TERRACE NO. 2 SUBDIVISION** abutting the streets and alleyways or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said streets and alleyways or portions thereof .

**WHEREAS**, Petitioners state that the streets and alleyways or portions thereof that Petitioner desires to vacate are located within and as a part of the subdivision designated as **UNION TERRACE NO. 2 SUBDIVISION** , all of which are further known and designated according to the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Plat Book 2, Page 299.

**WHEREAS**, Petitioners state that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

**WHEREAS**, Petitioners state that the streets and alleyways or portions thereof desired to be vacated are not currently being used;

**WHEREAS**, Petitioners seek and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

**NOW, THEREFORE**, we , the undersigned Petitioners, being the owners of the property in the subdivision known as **UNION TERRACE NO. 2 SUBDIVISION** abutting on the streets and alleyways or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same does hereby declare the following streets and alleyways or portions thereof, to be vacated, to wit:

Any and all portions of **Randolph Avenue** and that certain portion of **Dearborn Street** lying and being West of the said Randolph Avenue as shown on the plat of the said **UNION TERRACE NO. 2 SUBDIVISION**, a subdivision known and designated according to the Map or plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299.

Any and all portions of the following described alleyways as shown on the plat of the said **UNION TERRACE NO. 2 SUBDIVISION**, a subdivision known and designated according to the Map or plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299, to wit:

**Block 1**

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

Petitioners state that a dedicated public street or roadway or alleyway will be constructed in order to provide the obligatory access to the owners of property other than Petitioner in said Union Terrace No. 2 Subdivision, it being the intention of the Petitioners to redesign the property comprising Union Terrace No. 2 and to provide adequate and convenient access to the other owners of property in said subdivision.

Petitioners request that the portions of Dearborn Street be vacated and approved by the City Council of Muscle Shoals, Alabama and understand and agree that said consent to the vacation of the portion of Dearborn Street hereinabove described may be contingent upon the construction of a dedicated public street or roadway or alleyway that provides access to the owners of property other than Petitioners in said Union Terrace No. 2 Subdivision

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal this 3<sup>rd</sup> day of February 2011.

\_\_\_\_\_  
s/ Hollis Isbell L.S.  
**HOLLIS ISBELL**

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **HOLLIS ISBELL**, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3<sup>rd</sup> day of February 2011.

\_\_\_\_\_  
s/ Linda Howard  
**Notary Public**  
My Commission Expires: 08/12/2011

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this 3<sup>rd</sup> day of February 2011.

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s/ Mildred G. Isbell L.S.  
**MILDRED G. ISBELL**

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that **MILDRED G. ISBELL**, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 3<sup>rd</sup> day of February 2011.

s/ Linda Howard

**Notary Public**

My Commission Expires: 08/12/2011

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 2487 - 11**

**WHEREAS**, Hollis Isbell and Mildred G. Isbell, hereinafter referred to as Petitioners are the owners of all the lands and properties in said subdivision known as UNION TERRACE NO. 2 SUBDIVISION abutting the streets and alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said streets and alleyways, or portions thereof, presented his signed Petition of Vacation of various streets and alleyways, or portions thereof, in said subdivision, to the City Council of the City of Muscle Shoals, Alabama for its consideration, assent and approval, said property being more particularly described herein; and

**WHEREAS**, the Petitioner, as the owner of all property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots and blocks within the City of Muscle Shoals, Alabama, and

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama, has determined that convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described streets and alleyways, or portions thereof, is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama, be and the same is hereby given and granted to the vacation of the portion of the streets and property being more fully described as follows:

Any and all portions of **Randolph Avenue** and that certain portion of **Dearborn Street** lying and being West of the said Randolph Avenue as shown on the plat of the said **UNION TERRACE NO. 2 SUBDIVISION**, a subdivision known and designated according to the Map or plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299.

Any and all portions of the following described alleyways as shown on the plat of the said **UNION TERRACE NO. 2 SUBDIVISION**, a subdivision known and designated according to the Map or plat thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Map Book 2, Page 299, to wit:

**Block 1**

All of the alleyway running North and South lying between and abutting Lots 1 through 8, same being bounded on the West by Lots 1 through 4, inclusive, and bounded on the East by Lots 5 through 8, inclusive.

All of the alleyway running East and West lying between and abutting Lots 4 and 8 and Lots 9 through 18, inclusive, being bounded on the North by Lots 4 and 8 and being bounded on the South by Lots 9 through 18, inclusive.

**BE IT FURTHER RESOLVED** that the consent of the City Council to the vacation of the portion of Dearborn Street as set forth herein is contingent upon the upon the construction of a dedicated public street or roadway that provides access to the owners of property other than Petitioners in said Union Terrace No. 2 Subdivision. Said approval shall be final upon the recording of a plat in the Office of the Judge of Probate of Colbert County, Alabama that shows a public dedicated street or roadway or alleyway upon approval of the same to be shown on a recorded plat that depicts access to property owned by others than the Petitioners, or subject to approval by the City Council upon sufficient proof shown to the City Council that the street or roadway to be constructed provides such access to property owned by others than Petitioners in said subdivision.

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in and to the vacated streets and alleyways, or portions thereof, as herein described, unto the Petitioners, Hollis Isbell and Mildred G. Isbell.

Council Member Grissom seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced his appointment of Dennie Robinson to the Planning Board for a six (6) year term expiring in December, 2016.

There being no further business to come before the meeting, upon the motion duly made, seconded and unanimously carried, the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK