

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 3, 2016**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 3rd day of October, 2016 being the scheduled time and approved place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: NEAL WILLIS, MIKE LOCKHART, TERRY MCMINN
ALLEN NOLES
ABSENT: JOE PAMPINTO

Allen Noles, President of the Council, 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. Mayor David Bradford was also present. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Willis and seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 26, 2016 and approved the minutes as written.

President Noles announced that the next item of business was consideration of a resolution to vacate a 16 foot alleyway in Muscle Shoals Center No. 7.

Council Member Lockhart introduced the following resolution and moved for its adoption:

PETITION TO VACATE

Come now the undersigned, Robert J. Eaton, a married man, and Adam C. Eaton and wife, Kristina L. Eaton hereinafter referred to as Petitioners, and present unto the City Council of the City of Muscle Shoals, Alabama, as follows: That Petitioners are all of the owners of all of the property abutting upon the following described property, more particularly described below, and that they desire to vacate said property and that they do, by this statement, vacate the same, lying and being situated in the City of Muscle Shoals, Colbert County, Alabama, and more particularly described as follows, to wit:

That part of an alleyway lying and being in Muscle Shoals Center No. 7, a subdivision in the City of Muscle Shoals, Alabama, as the same is recorded in Plat Book 2, at Page 279, in the Office of the Judge of Probate of Colbert County, Alabama, more particularly described as follows: Commence at the Southwest corner of Lot Number 1 in said subdivision and run in an easterly direction along the northern boundary of said alleyway to the Southeast corner of Lot Number 19; run thence South a distance of 16 feet to the Northeast corner of Lot Number 32 in said subdivision; run thence in a westerly direction along the southern boundary of said alleyway to the Northwest corner of Lot Number 50; thence run North a distance of 16 feet to the Southwest corner of said Lot Number 1 and the point of beginning.

That the undersigned Petitioners desire to vacate the above described alleyway and to nullify the effect of the dedication of said property to the use of the public.

NOW, THEREFORE, in consideration of the premises, Petitioners hereby request that the City Council of the City of Muscle Shoals, assent to, approve, ratify and confirm the vacation of the above described property and the annulment of the dedication of such property to the use of the public.

The undersigned Petitioners further request that the City Council of the City of Muscle Shoals, Alabama, authorize and direct Mr. David H. Bradford, as Mayor the City of Muscle Shoals, to execute a quit-claim deed to Robert J. Eaton, and Adam C. Eaton and wife, Kristina L. Eaton by which deed, the City of Muscle Shoals, Alabama, shall remise, release and quit-claim unto Robert J. Eaton, and Adam C. Eaton and wife, Kristina L. Eaton whatever right, title and interest the said City of Muscle Shoals, Alabama, may have acquired in and to the hereinabove described alleyway by virtue of the dedication of the same, or otherwise, and that the City Clerk be authorized and directed on behalf of the City Muscle Shoals, Alabama, to attest the same.

IN WITNESS WHEREOF, Petitioners have hereunto set their hands and affixed their seals on this the 3rd day of October, 2016.

s/ Robert J. Eaton

Robert J. Eaton
s/ Adam C. Eaton

Adam C. Eaton
s/ Kristina L. Eaton

Kristina L. Eaton

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert J. Eaton, a married man, and Adam C. Eaton and wife, Kristina L. Eaton, who are known to me, and whose names are signed to the foregoing Petition, acknowledged before me on this day that, being informed of the contents of the Petition, they executed the same voluntarily.

Given under my hand and official seal this the 3rd day of October, 2016.

s/ Nancy Smith

Notary Public
My Commission Expires: 8/30/2020

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 2837 - 16

WHEREAS, Robert J. Eaton, and Adam C. Eaton and wife, Kristina L. Eaton have presented to the City Council of the City of Muscle Shoals, Alabama, their statement in writing, duly executed and acknowledged, setting forth that the owners of all of the lands abutting upon the hereinafter described portion of an alleyway in Muscle Shoals Center No. 7, a subdivision in the City of Muscle Shoals, Alabama, have consented to said vacation and that they desire to vacate said property and that they do, by said statement, vacate the same.

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, does assent to, and approve the vacation thereof, and the annulment of the dedication of said property to the use of the public.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the act of the forenamed parties in vacating and annulling the following described portion of an alleyway in Muscle Shoals Center No. 7, a subdivision in the City of Muscle Shoals, Alabama in the City of Muscle Shoals, Alabama, to-wit:

That part of an alleyway lying and being in Muscle Shoals Center No. 7, a subdivision in the City of Muscle Shoals, Alabama, as the same is recorded in Plat Book 2, at Page 279, in the Office of the Judge of Probate of Colbert County, Alabama, more particularly described as follows: Commence at the Southwest corner of Lot Number 1 in said subdivision and run in an easterly direction along the northern boundary of said alleyway to the Southeast corner of Lot Number 19; run thence South a distance of 16 feet to the Northeast corner of Lot Number 32 in said subdivision; run thence in a westerly direction along the southern boundary of said alleyway to the Northwest corner of Lot Number 50; thence run North a distance of 16 feet to the Southwest corner of said Lot Number 1 and the point of beginning.

Subject to the reservation of a perpetual easement to the City of Muscle Shoals, Alabama for the installation, maintenance and operation of public utilities in, over and across said vacated alleyway.

Be and the same is hereby ratified, approved, confirmed and assented to by the City Council of the City of Muscle Shoals, Alabama.

BE IT FURTHER RESOLVED, that the City of Muscle Shoals, Alabama, a municipal corporation remise, release and quit-claim to the aforesaid parties, whatever right, title, and interest the said City of Muscle Shoals, Alabama, a municipal corporation may have acquired in and to the hereinabove described part or portion of the hereinabove named alleyway by virtue of the dedication of said property as a public alleyway, or otherwise, and that Mr. David H. Bradford, Mayor of the City of Muscle Shoals, Alabama, a municipal corporation, execute a

quit-claim deed to the forenamed parties carrying out the intention of this paragraph and that Richard L. Williams, City Clerk, be and he is hereby authorized and directed on behalf of the City of Muscle Shoals, Alabama, a municipal corporation to attest the same.

The purpose of this Resolution is to assent to the proposed vacation; however, the City Council of the City of Muscle Shoals, Alabama does not hereby make a determination as to the validity or the legality of the vacation.

Council Member McMinn seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Willis, Council Member Lockhart, Council Member McMinn,
Council Member Noles

NAYS: None

President Noles announced that the resolution had been approved.

President Noles announced that the next meeting of the City Council will be held on Monday, October 24, 2016 with the work session at 5:30 pm and the regular meeting at 6:00 pm or upon the conclusion of the work session, whichever is later.

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

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

COUNCIL MEMBER - PLACE FIVE

ATTEST:

CITY CLERK