

STATE OF ALABAMA  
COUNTY OF BALDWIN

**RESOLUTION 2013-05**

**A RESOLUTION ASSENTING TO VACATION OF PORTION  
OF PALM STREET BETWEEN RIVER DRIVE AND HOLLY AVENUE**

**WHEREAS**, a petition signed by the owners of all of the lands abutting the following described street, situated in the Town of Magnolia Springs, County of Baldwin, State of Alabama, requesting the vacation of said street, has been duly presented to the Town Council of the Town of Magnolia Springs, Alabama, for the assent and approval of said governing body, said petition with map attached being hereto affixed, marked "Exhibit A" and made a part hereof; and

**WHEREAS**, pursuant to Section 23-4-2 of the Code of Alabama 1975 notice of said request for vacation was published and a hearing was held on the 12<sup>th</sup> & 26<sup>th</sup> day of March, 2013, and;

**WHEREAS**, the street above referred to is more particularly described as follows:

That portion of Palm Street that lies between Lots 3, 4, 5, and 6 of Block F and Lots 3, 4, 5, and 6 of Block G measuring 200' in length and 40' in width as shown in the plat of Magnolia Plaza, being recorded in Map Book 3, Page 69, in the office of the Judge of Probate of Baldwin County Alabama; and

**WHEREAS**, it appears to the Town Council of the Town of Magnolia Springs, Alabama, that the vacation of said street is in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners owning properties in the tract of land embraced in said Plat of Magnolia Plaza.

**WHEREAS**, as a condition of the vacation of said street the Town Council of the Town of Magnolia Springs, Alabama, requires the abutting landowners who will directly benefit from such vacation to pay the Town a vacation for right-of-way fee pursuant to Section 11-46-9 of the Alabama Code of 1975, said fee to be determined by the Town Council upon consideration of an appraisal of said street commissioned by the Town. Petitioners having consented to pay for the appraisal.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Magnolia Springs, Alabama, that the vacation of the hereinabove described street is assented to and approved and, upon the receipt of said vacation of right-of-way fee, the same is hereby vacated pursuant to the provisions of Section 23-4-20 of the Alabama Code of 1975.

**Adopted this the 28<sup>th</sup> day of May, 2013.**