

RESOLUTION 2013-12



AMENDING RESOLUTION 2013-05  
ASSENTING TO VACATION OF PORTION OF PALM STREET  
BETWEEN RIVER DRIVE AND HOLLY AVENUE

**WHEREAS**, the Town Council of the Town of Magnolia Springs, Alabama adopted Resolution 2013-05 assenting to and approving the vacation of the street described herein pursuant to the provisions of Section 23-4-20 of the Alabama Code of 1975;

**WHEREAS**, the Town Council is amending Resolution 2013-05 to provide the amount of the vacation of right-of-way fee, to provide that such vacation is in the interest of the public, and to otherwise provide as follows;

**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;

**WHEREAS**, all notices of said vacation, said vacation of right-of-way fee, and the public hearings in connection therewith, were published pursuant to Sections 11-49-6 and 23-4-2 of the Alabama Code of 1975 and Act 386 of the Alabama Legislature of 1973;

**WHEREAS**, public hearings were held on the 12<sup>th</sup> and 26<sup>th</sup> days of March, 2013, pursuant to Sections 11-49-6 and 23-4-2 of the Alabama Code of 1975;

**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;

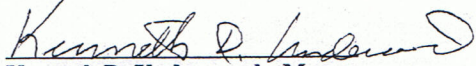
**WHEREAS**, it appears to the Town Council of the Town of Magnolia Springs, Alabama, that it is in the interest of the public that such portion of the above-mentioned street be vacated, that the vacation of said street is in order and that convenient and reasonable means of ingress and egress is afforded to all other property owners owning properties in the tract of land embraced in said Plat of Magnolia Plaza;

**WHEREAS**, by the passage of Resolution 2013-05 the Town Council of the Town of Magnolia Springs, Alabama, required the abutting landowners who will directly benefit from the vacation of that certain portion of said street to pay the Town a vacation of right-of-way fee as a condition of the vacation. Said Resolution required the vacation of right-of-way fee to be determined by the Town Council upon consideration of an appraisal of said street. Petitioners Dr. and Mrs. James D. West agreed to pay for the costs of the appraisal; and

**WHEREAS**, after consideration of said appraisal, and 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 of right-of-way fee of \$15,000.00 each pursuant to Section 11-49-6 of the Alabama Code of 1975.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Magnolia Springs, Alabama, that Resolution 2013-05 is hereby amended as set forth above, and 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 22<sup>nd</sup> day of October, 2013.


  
Kenneth D. Underwood - Mayor

I, Karen S. Biel, town clerk of the Town of Magnolia Springs, Alabama, do hereby certify that the above is a true, correct and exact copy of a resolution duly and legally adopted by the Town Council of the Town of Magnolia Springs, Alabama, at a meeting thereof on the 22<sup>nd</sup> day of October, 2013, as taken from the minutes of said meeting.

Witness my hand and official seal on this the 22<sup>nd</sup> day of October, 2013.

  
Karen S. Biel - Town Clerk

**TOWN OF MAGNOLIA SPRINGS, ALABAMA** Certificate of Publication. This is to certify that Resolution Number 2013-12, Town of Magnolia Springs, Alabama, was published by posting on at least three (3) Bulletin Boards in the Town, Magnolia Springs Post Office, United Bank, and at the Mayor's office. Notice of this action will be published once on the 1<sup>st</sup> day of November, 2013 in the Gulf Coast Newspapers.

  
Karen S. Biel - Town Clerk