

STATE OF ALABAMA:  
COUNTY OF BALDWIN:

**DECLARATION OF VACATION  
OF A PORTION OF  
RIGHT-OF-WAY  
8454 PALMETTO WAY**

WHEREAS, the undersigned, TRAVIS W. FLOWERS AND DEBRA M. FLOWERS (hereinafter the "Adjoining Owner") are the fee simple owners of Lot 73 and 74 of GRAHAM CREEK ESTATES Subdivision as found recorded in Slide Number 1728-A and Slide Number 1728-B and as re-recorded on Slide Number 1782-A and Slide Number 1782-B, and as corrected on Slide number 2069-C and Slide Number 2069-D of the Probate records of Baldwin County, Alabama, (hereinafter the "Lot") which Lot abuts the right-of-way of the public street known as Palmetto Way and is located in the corporate limits of the City of Foley, Alabama; and

WHEREAS, the Lot has the following current street address: 8545 Palmetto Way, Foley, Alabama 36535; and

WHEREAS, the Adjoining Owner is desirous of vacating the right-of-way abutting the Lot but only up to the first edge of the existing curb or pavement (hereinafter the "Parcel"), and the Adjoining Owner does not wish to vacate any portion of the right-of-way which is currently improved or used for vehicular travel; and

WHEREAS, the Adjoining Owner will present this Declaration to the City Council of the City of Foley and petition the City Council of the City of Foley to assent to the vacation and closing of the Parcel, excepting therefrom and specifically reserving unto the City of Foley and its successors and assigns the following: (1) any and all existing and future utility easements and rights to locate, improve, replace, maintain and repair any current or future utility improvements on said Parcel, including but not limited to street lights; (2) a construction easement for any current or future construction, repair, or renovation activities on the remaining right-of-way or on the Parcel; (3) a drainage easement for the construction, maintenance, repair, installation or improvement of any storm water drainage system on the Parcel or on the abutting right-of-way; and (4) any other rights or conditions the City Council may impose on the granting and approval of this Declaration of Vacation.

NOW, THEREFORE, subject to and with the exceptions as noted herein, the Adjoining Owner does hereby declare closed and vacated the following described right-of-way:

That portion of the right-of-way up to the first edge of the existing curb or street improvements which abut Lots 73 and 74 of Graham Creek Estates Subdivision as found recorded in Slide Slide Number 1728-A and Slide Number 1728-B and as re-recorded on Slide Number 1782-A and Slide Number 1782-B, and as corrected on Slide number 2069-C and Slide Number 2069-D of the Probate records of Baldwin County, Alabama, which land is located in the corporate limits of the City of Foley, Baldwin County, Alabama (hereinbefore and hereinafter, the "Parcel").

The Adjoining Owner does hereby, pursuant to and in accordance with the provisions of Section 23-4-20 and/or Section 35-2-54, Code of Alabama, execute this written Declaration of Vacation of said Parcel, and the same being within the corporate limits of the City of Foley, a municipality, does hereby pray and request the assent of the Mayor and City Council of the City of Foley, Alabama to said vacation of the Parcel, subject to the conditions contained herein or upon such other conditions as may be required by the Mayor and City Council.

The vacation of the Parcel will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

IN WITNESS WHEREOF, TRAVIS W. FLOWERS and DEBRA M. FLOWERS,  
(Print names)  
have hereunto set his/her/their hand(s) and seal(s) on this the 5<sup>th</sup> day of

June, 2013.

Travis W. Flowers

(Sign name)

TRAVIS W. FLOWERS

Debra M. Flowers

(Sign name)

DEBRA M. FLOWERS

STATE OF ALBAMA)

COUNTY OF BALDWIN)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that TRAVIS W. FLOWERS and DEBRA M. FLOWERS, whose names are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that, being

informed of the contents of said instrument, he/she/they executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 5<sup>th</sup> day of ~~June~~<sup>July</sup>, 2013.

Carolyn F. Collier

NOTARY PUBLIC

My Commission Expires:

(NOTARIAL SEAL)

1/12/15

