

## NOTICE TO THE PUBLIC

The Foley City Council will hold a Public Hearing at 5:30 p.m. Tuesday, September 3, 2013 in Council Chambers to consider passage of a resolution and to consider vacating the right-of-way abutting Lots 73 and 74 of Graham Creek Subdivision as found recorded on Slides 1728-A and 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 to accommodate a masonry mailbox. Applicants are Travis W. Flowers and Debra M. Flowers.

All persons wishing to be heard may speak in person at the Public Hearing, or may respond in writing to the City of Foley, P. O. Drawer 1750, Foley Alabama 36536 before Tuesday, September 3, 2013, in order to be considered.

Victoria Southern, CMC  
City Clerk

### RESOLUTION NUMBER

### OF THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA

WHEREAS, a Declaration in writing has been signed and executed in due form by the owners of Lots 73 and 74 of Graham Creek Subdivision as found recorded on Slides 1728-A and 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 Declaration is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, the Adjoining Owner is desirous of vacating the right-of-way which abuts the above described property but only up to the first edge of the existing curb or pavement, 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;

WHEREAS, the Adjoining Owner has assented to the City reserving and excepting from any vacation of the right-of-way (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; and (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;

WHEREAS, the aforesaid declaration has for its purpose the vacation of a portion of the following described property:

That portion of the right-of-way up to the first edge of the existing curb or street pavement which abuts Lots 73 and 74 of Graham Creek Subdivision as found recorded on Slides 1728-A and 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"); and

WHEREAS, the City Council finds that the vacation of said Parcel is in order and will not deprive other property owners owning property in the area of such rights as they may have to convenient and reasonable means of ingress and egress to and from their respective properties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Alabama at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2013, that, subject to the conditions as stated above, the City Council does hereby assent to the vacation of said Parcel, subject and pursuant to the conditions and exceptions noted above, and said Parcel be and hereby is vacated pursuant to Section 23-4-20 and/or Section 35-2-54, Code of Alabama.