

**RESOLUTION
R255-09/10**

STATE OF ALABAMA
COUNTY OF DALLAS

**RESOLUTION OF CITY OF SELMA
VACATING PORTIONS OF CERTAIN STREETS AND
ALLEYS WITHIN THE CITY OF SELMA**

Petitioned by United Methodist Children's Home

WHEREAS, pursuant to Section 23-4-20, *et seq.* of the Code of Alabama, the owner or owners of land abutting to a street or alley or abutting that portion of the street or alley may petition the governing body of the municipality to vacate a public street, alley, or highway, or portion thereof; and

WHEREAS, United Methodist Children's Home on May 24, 2010 submitted a petition requesting assent and approval of said governing body to vacate portions of certain streets and/or alleyways within the City of Selma more particularly described with accuracy herein below; and

WHEREAS, the City of Selma issued legal notice to consider the vacation of said portions of streets described herein below and published notice of the proposed hearing on said vacation in the Selma Times-Journal once a week for four consecutive weeks, pursuant to Section 23-4-2 of the Code of Alabama; and

WHEREAS, the said legal notice fixed a time and place for hearing all persons interested in or objecting to the proposed vacation, to wit: On Tuesday, July 27, 2010, at 5 p.m. of said day, at City Hall in the Council Chambers located at 222 Broad Street, Selma, Alabama; and

WHEREAS, the City of Selma posted a copy of the notice of the proposed hearing on a bulletin board at the City Hall and Dallas County courthouse, pursuant to Section 23-4-2 of the Code of Alabama; and

WHEREAS, the City of Selma served by U.S. mail a copy of the notice of the proposed hearing on all abutting and nearby landowners and entities known to have facilities or equipment within the public right-of-way of the streets, or portions thereof to be vacated hereto, which abutting landowners and entities are listed as follows: Alagasco, Alabama Power Company, Charter Communications, AT&T of Alabama, Selma Water Works and

Sewer, and the son of the late Irene Ruffin, all pursuant to Section 23-4-2 of the Code of Alabama; and

WHEREAS, the City Council of Selma has determined that a convenient means of ingress and egress is afforded to all other property owners in the area in which the hereinabove described real estate is located by the remaining streets, alleys and avenues therein located.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council of Selma finds that it is in the best interest of the public that the public right-of-way which is described with accuracy as follows:

1. All of that portion of Second Avenue that is not open and unused abutting the northern boundary of Lots 13 and 14 of Block 32 and the southern boundary of Lots 1 and 20 of Block 34 all as shown on the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in MB 1 Page 86; such portion of Second Avenue runs in an easterly and westerly direction between those streets shown as Hayden Street and Washington Street on such plat.
2. All that certain unnamed and unused fifteen foot (15') alley as shown on the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in Map Book 1 at page 86; said fifteen foot alley abutting the western boundary of Lots 8 through 13 in Block 32 and the eastern boundary of Lots 14 through 19 in Block 32. Said alley is not opened and not utilized for public use.
3. All that certain unnamed and unused fifteen foot (15') alley as shown on the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in Map Book 1 at Page 86; said fifteen foot alley abutting the western boundary of Lots 11 through 20 in Block 34 and the eastern boundary of Lots 1 through 10 in Block 34. Said alley is not opened and not utilized for public use.
4. All that unused and unopened portion of Washington Street abutting the western boundary of Lots 1 through 10 of Block 35 and the eastern boundary of Lots 11 through 20 in Block 34 all as recorded in the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in Map Book 1 at Page 86.
5. All that certain unnamed and unused fifteen foot (15') alley as shown on the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in Map Book 1 at Page 86; said fifteen foot alley abutting the western boundary of Lots 11 through 20 in Block 35 and the eastern boundary of Lots 1 through 10 in Block 35. Said alley is not opened and not utilized for public use.
6. All of that portion of Fourth Avenue that is unused and running in an easterly and westerly direction between Broad Street and Franklin Street abutting the north boundary of Lots 7 and 8 in Block 33, Lots 10 and 11 in Block 34, and Lots 10 and 11 in Block 35, and abutting the south boundary of Lots 1 and 16 in Block 38, Lots 1 and 16 in Block 37, and Lots 1 and 16 in Block 36, all in the plat of the College Park Addition as surveyed by W.O. Crisman and recorded in MB 1 Page 86.
7. All of that portion of Hayden Street that is not open and unused and running in a northerly and southerly direction between Fourth Avenue to those certain vacated areas described in Book 1044/723; with such portions of Hayden Street abutting the western boundary of Lots 1 through 10 of Block 34 and Lots 14 through 19 of Block 32, and the eastern boundary of lots 8 through 14 of Block 33 and those abutting lots in Block 32, all being recorded in the College Park Addition as surveyed by W.O. Crisman and

recorded in MB 1 Page 86 and all such abutting lots being owned by the United Methodist Children's Home.

8. All that certain unnamed and unused 12 ½ foot (12.5') alley as shown on the plat of the College Park Addition as surveyed by W.O Crisman and recorded in Map Book 1 at Page 86; said 12 ½ foot (12.5') alley abutting the western boundary of Lots 8 through 14 in Block 33 and the eastern boundary of Lots 1 through 7 in Block 33. Said alley is not opened and not utilized for public use.

9. All that certain unnamed alley which runs in an easterly and westerly direction between Broad Street and the road known as Hayden Street and abuts the southern boundary of Lots 1 and 14 in Block 33 and the northern boundary of Block 32 as shown on the College Park Addition as surveyed by W.O. Crisman and recorded in Map Book 1 at Page 86.

should be and is vacated.

9. It is hereby assented to and approved by the Selma City Council that the public right-of-way lying within the heretofore described territory be and the same is hereby abandoned and vacated pursuant to and in accordance with Section 23-4-1 *et seq.* of the Code of Alabama.

10. That convenient and reasonable means of ingress and egress are afforded to all other property owners in the area in which the subject property is located, by remaining streets or alleys therein located; and, the vacation of the subject property will not interfere with the rights of the public.

11. That this Resolution shall become effective upon approval by the Selma City Council and publication in the Selma Times Journal.

12. The City Clerk is hereby directed to cause a certified copy of this resolution attested under seal of the City of Selma to be filed in the Probate Court of Dallas County and further have a copy of the same published in the Selma Times Journal within 14 days after passage.

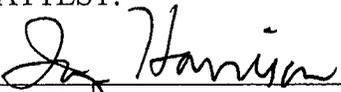
ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA,

on this the 27th day of July, 2010.



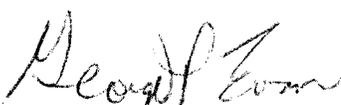
Dr. Cecil Williamson, President

ATTEST:



Ivy Harrison, City Clerk

APPROVED:



George P. Evans, Mayor