

TUSCALOOSA COUNTY COMMISSION
MEETING
July 23, 2003

TUSCALOOSA COUNTY §
STATE OF ALABAMA §

This being the date and hour to which the Tuscaloosa County Commission adjourned, the County Commission met pursuant to such adjournment with Probate Judge W. Hardy McCollum presiding as Chairman. The following members were present:

Mike Richardson
Gary Youngblood
Bobby Miller
Reginald Murray

Commissioner Mike Richardson moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to authorize the execution of a revised agreement between the Alabama Department of Transportation and Tuscaloosa County in their desire to cooperate in the construction of a girder bridge on Bull Slough Road over North River - Project No. ACGBBR-7932(600), TCP-63-01-01.

Exhibit 7-1, Pages 750-752

Commissioner Bobby Miller moved, seconded by Commissioner Reginald Murray, the County Commission voted unanimously to grant Southern Oaks, II a permit to open cut Lower Hull Road to replace twenty-four inch RCP storm pipe with thirty-six inch RCP storm pipe. This is to improve drainage from Graymont Subdivision.

Exhibit 7-2, Pages 753-754

Commissioner Mike Richardson moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to accept the low bid meeting specifications for earthwork on Phelps Road. Bidding firms were as follows:

Tomlin Construction LLC
H&W Construction
Racon, Inc.
Econ, Inc.
Fair Contracting Company, Inc.

Exhibit 7-3, Pages 755-760

Commissioner Gary Youngblood moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to authorize McGiffert and Associates Inc. to prepare the various environmental reports required by the Environmental Protection Agency and the Community Development Block Grant financing the Prudes Creek Water Project. McGiffert and Associates' proposal stated that the fee would not exceed \$8,500.

Commissioner Mike Richardson moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to reject the bids for the proposed county-wide water project extending water service to the Bull Slough Road area. The low bid exceeded the cost estimate by some \$64,000. The County Commission further authorized McGiffert and Associates, Inc. to secure rock profiles in the area at a cost of \$5,000 or less. McGiffert and Associates is of the opinion that the unknown rock structures added considerable cost to the bids. The bids were opened earlier by Tuscaloosa County's Planning Department.

Commissioner Mike Richardson moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to approve the warrants issued to pay Tuscaloosa County's expenditures for the month of June, 2003.

Exhibit 7-4, Page 761

Commissioner Bobby Miller moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to accept a Petition for Approval of a Declaration of Vacation and to adopt a resolution vacating the portion of right-of-way described in

the attached exhibit. The portion of right-of-way in Monticello Estates is being vacated at the request of Richard L. Bailey and Karen Bailey.

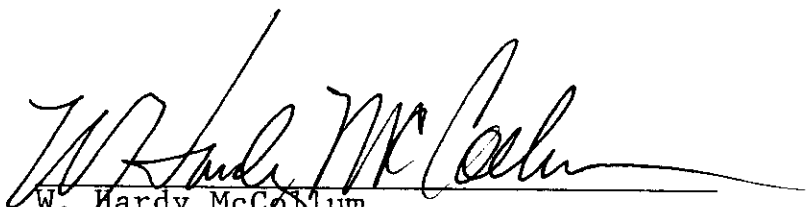
Exhibit 7-5, Pages 762-765


Commissioner Bobby Miller moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to make Forty-Fourth Street East ONE WAY from west to east to Cypress Creek Road behind Smith Sport Cycle located on Skyland Boulevard.


Commissioner Bobby Miller moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to establish and post a 25 MPH speed limit for Luke Harrington Road.

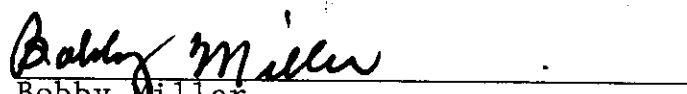
Commissioner Bobby Miller moved, seconded by Commissioner Mike Richardson, the County Commission voted unanimously to grant Keith Davis a utility permit to bore under Old Greensboro Road to lay a sewer line between Englewood School and Little Sandy Creek.


There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Wednesday, July 30, 2003.


W. Hardy McCollum
Judge of Probate and Chairman
Tuscaloosa County Commission


Mike Richardson
Commissioner - District I


Gary Youngblood
Commissioner - District II


Bobby Miller
Commissioner - District III


Reginald Murray
Commissioner - District IV

RESOLUTION NUMBER _____

BE IT RESOLVED, by the County Commission of Tuscaloosa County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for :

Bridge on Bull Slough Road over North River.

which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Passed, adopted, and approved this 23rd day of July, 20 03.

ATTESTED:

Robert H Johnston
County Clerk

W. Andy McCall
Chairman, County Commission

I, the undersigned qualified and acting clerk of Tuscaloosa County, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the County Commission of the County named therein, at a regular meeting of such Commission held on the 23rd day of July, 20 03, and that such resolution is of record in the Minute Book of the County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the County on this

23rd day of July, 20 03.

Robert H Johnston
County Clerk

SEAL

**REVISED
AGREEMENT**

This Agreement is made and entered into by and between the STATE OF ALABAMA, acting by and through the ALABAMA DEPARTMENT OF TRANSPORTATION, party of the first part (hereinafter called the State), and TUSCALOOSA COUNTY, ALABAMA (FEIN 63 6001719), party of the second part (hereinafter called the County):

WITNESSETH

WHEREAS, the State and County desire to cooperate in the construction of a 3 @ 85' span AASHTO girder bridge on Bull Slough Road over North River. BIN 011916. Length - 0.053 mile. Project No. ACGBBR-7932(600), TCP 63-01-01. CPMS Ref. # 100042447.

NOW THEREFORE, it is mutually agreed between the State and County as follows;

- A. The County will furnish all Right-of-Way for project without cost to the State or this Project.
- B. The County will adjust and/or relocate all Utilities on the project without cost to the State or this Project.
- C. The County will make the survey, complete the plans and furnish all preliminary engineering for the project with County forces without cost to the State or this Project. The plans will be subject to the approval of the State and the project will be constructed in accordance with the plans approved by the State and the terms of this Agreement.
- D. The County will furnish all construction engineering for the project with County forces. The cost of the construction engineering shall be included as part of the construction cost for the project.
- E. The State will furnish the necessary inspection and testing of materials when needed as part of the cost of the project.
- F. Funding for this Agreement is subject to availability of Federal Garvee Bond funds and Amendment One State Matching Bond funds at the time of authorization. The State will not be liable for Federal Aid funds or State funds in any amount. Any deficiency in Federal Garvee Bond funds and Amendment One State Matching Bond funds, or overrun in constructions costs will be borne by the County from the County's allocation of Federal Garvee Bond funds and Amendment One State Matching Bond funds, if available, or from County funds.
- G. The estimated cost of construction of this project payable by the parties is the amount set forth below:

Federal Discretionary Bridge Funds	\$ 993,500.00
County Funds	248,375.00
Federal GARVEE Bond Funds	53,300.00
General Obligation Bond Funds	<u>13,325.00</u>
Total (Incl. E & I)	\$1,308,500.00
- H. The State will be responsible for advertisement and receipt of bids, and the award of the Contract. Following the receipt of bids and prior to the award of the Contract, the State will invoice the County for its prorata share of the estimated cost as reflected by the bid of the successful bidder plus E & I, and the County will pay this amount to the State no later than 30 days after the date bids are opened.
- I. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the Alabama Department of Transportation within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.
- J. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, 2002 Edition, on this project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and the project will be built in accordance with the approved plans.
- K. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.

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L. Upon completion and acceptance of this project, the County will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.

M. Exhibit M is attached hereto as a part hereof.

N. Exhibit N is attached hereto as a part hereof.

O. This Agreement supersedes the Agreement dated October 17, 2002, and that Agreement dated October 17, 2002, is hereby deemed to be null and void.

P. This Agreement will terminate January 1, 2003 for project if project has not been authorized to be let to contract.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

TUSCALOOSA COUNTY, ALABAMA

Robert H Johnston
Clerk (Signature)

BY: W. F. Hude
(Signature) Chairman, Tuscaloosa
County Commission

Type Name of Clerk

Type Name of Chairman

RECOMMENDED

STATE OF ALABAMA,
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF
TRANSPORTATION

County Transportation Engineer
John F. Courson

Transportation Director
D. J. McInnes

APPROVED AS TO FORM:

Chief Counsel Jim Ippolito, Jr.
Alabama Department of Transportation

THE WITHIN AND FOREGOING AGREEMENT IS HEREBY APPROVED ON THE _____ DAY
OF _____, 20____.

GOVERNOR OF ALABAMA
Bob Riley

[]

STATE OF ALABAMA

REVISED JANUARY 2000

COUNTY OF TUSCALOOSA

PERMIT NO. _____

PERMIT AGREEMENT FOR THE ACCOMODATION OF UTILITY FACILITIES ON PUBLIC RIGHT-OF-WAY

THIS AGREEMENT made the 23rd day of June 20 03 between the COUNTY OF TUSCALOOSA, the STATE OF ALABAMA,

Hereinafter referred to as "Grantor:

and Southern Oaks, II

doing business as a Corporation hereinafter referred to as Grantee".

- RIGHT OF WAY:** In consideration of the sum of \$2.00 per linear foot, Grantor hereby grants, permits and conveys to Grantee a permit for the purposes of laying, constructing, operating, inspecting, maintaining, repairing, replacing, substituting, relocating, and removing three-hundred sixty-seven (367) linear feet of 36" ASP. Forty-four (44) linear feet of in-place 24" RCP storm pipe under Lower Hull Rd. will be removed and replaced with forty-four (44) linear feet of 36" RCP. The required 36" RCP will be installed by open cut across Lower Hull Rd. (Figure 02). Repair of the open cut across Lower Hull Rd. will be provided as shown in the attached detail.

_____, at a location and on a route to be selected by the Grantor, on, in, over and through the following described land in Tuscaloosa County, Alabama; generally along County roads as follows:

Lower Hull Road (Figure 01)

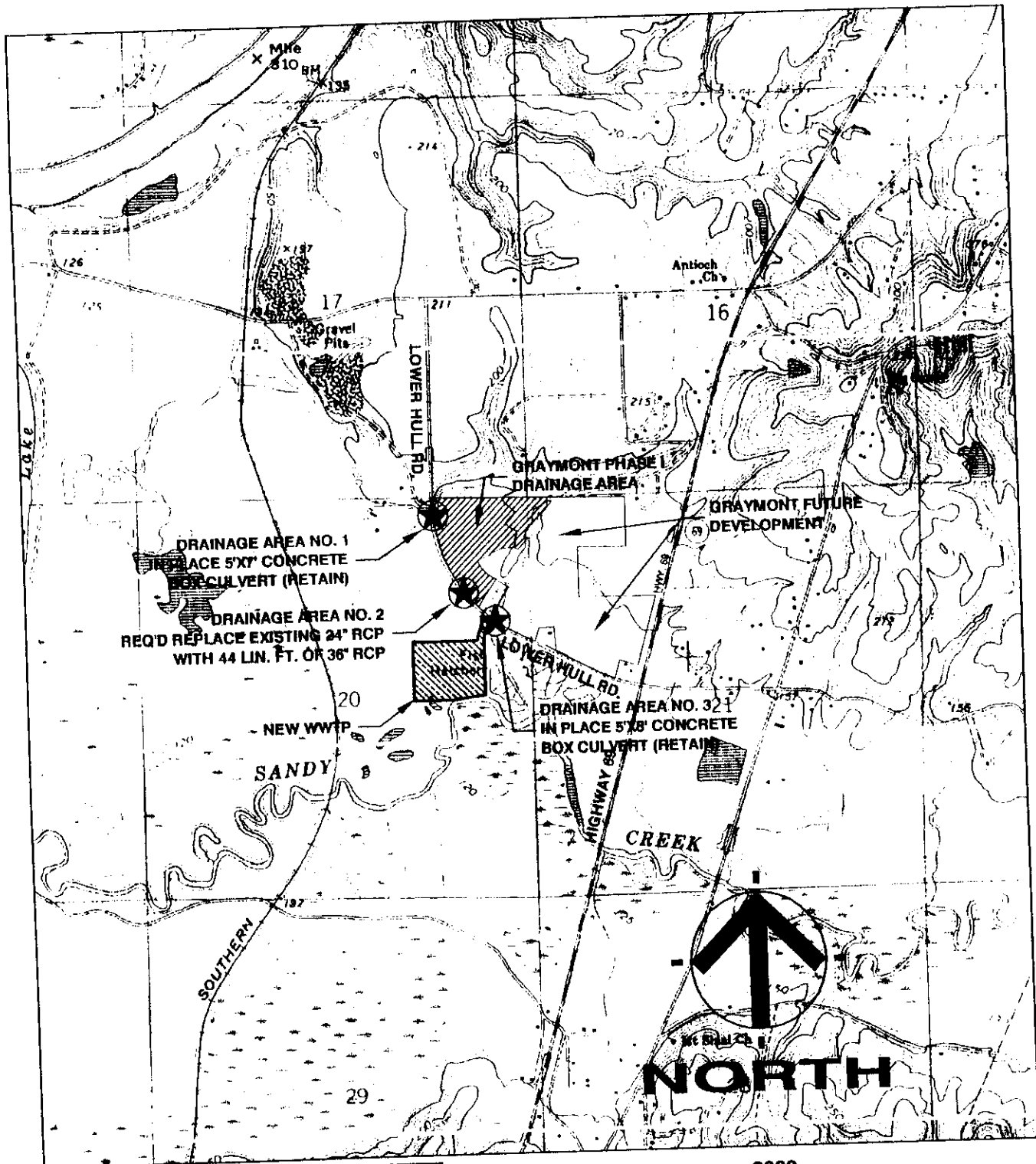
_____, all being in Tuscaloosa County, Alabama, more particularly described on the attached map, which said map is on file in the County Engineer's Office, said route to be determined finally by the Grantor herein. At such time as Grantee has decided the final route of said utility, the County Engineer will calculate the total footage of same, and Grantee will pay the cost of same based on such calculation before construction begins thereon. Such road rights-of-ways are sometimes referred to herein as the premises.

- TERM:** The rights granted herein shall be possessed and enjoyed by Grantee so long as the utilities and appurtenances constructed pursuant hereto shall be maintained and operated by Grantee.

received
6-27-03

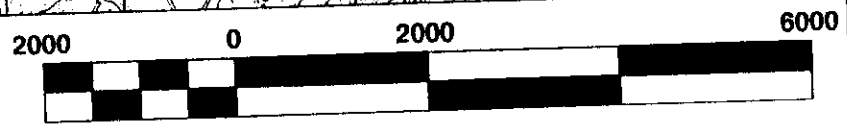
7-2-

7-2



LEGEND:

- DISCHARGE POINT UNDER LOWER HULL RD.
- WASTE WATER TREATMENT FACILITY
- GRAYMONT PHASE I DRAINAGE AREA



Scale 1" = 2000'

**Sentell
Engineering
Inc.**

Graymont Subdivision
 Applicant: Southern Oaks, II
 Tuscaloosa County, Alabama
 Vicinity Map

FIGURE
 01

W. HARDY MCCOLLUM
CHAIRMAN

ROBERT H. JOHNSTON
CLERK



MEMBERS
MIKE RICHARDSON
GARY YOUNGBLOOD
BOBBY MILLER
REGINALD MURRAY

COUNTY COMMISSION

TUSCALOOSA COUNTY ALABAMA
P.O. Box 20113 • 714 GREENSBORO AVENUE
TUSCALOOSA, ALABAMA 35402-0113
205-349-3870

July 11, 2003

Racon, Inc.
Sartain Lumber & Contracting
Barnes Excavating Co. Inc.
Ryan Shirley Inc.
GFC Construction Inc.

Fair Contracting
Price Contracting
Tomlin Construction
H&W Construction
Econ, Inc.

Gentlemen:

Tuscaloosa County will accept bids for earthwork on Phelps Road until 9:00 a.m., Wednesday, July 23, 2003.

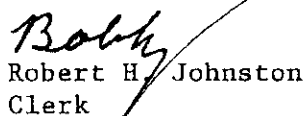
Attached are the bid submission form and specifications for said project. Direct all inquiries in regard to this bid to County Engineer Bobby Hagler at telephone number (205)345-6600 between 7:00 a.m. and 4:00 p.m. Monday through Friday.

Bids can be mailed to: Tuscaloosa County Commission, P.O. Box 20113, Tuscaloosa, AL 35402, or brought to the County Clerk's Office in the Tuscaloosa County Courthouse prior to 9:00 a.m., Wednesday, July 23, 2003.

A word to the wise - MAIL EARLY - overnight mail, including Airborne Express, Federal Express, etc. does not always arrive by 9:00 a.m. the next day.

Please return your bid in the "BID" envelope provided, or use the "BID" envelope to address your bid package to assure that your bid is delivered to the correct office.

Sincerely,


Robert H. Johnston
Clerk

RHJ:lks

encl.

copy: file

**PHELPS ROAD
PROJECT BID SHEET**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
210A-000	UNCLASSIFIED EXCAVATION PER CUBIC YD. HAULED	105,000	CY	1. ⁶⁵	173,250. ⁰⁰
210A-001	½ MILE OVERHAUL UNIT	5,000	CY	0. ⁴⁰	2,000. ⁰⁰
430A-000	AGGREGATE SURFACING (Contingency Item)	600	TON	18. ⁰⁰	10,800. ⁰⁰
600A-000	MOBILIZATION	1	LUMP SUM	10,000. ⁰⁰	10,000. ⁰⁰
608A-001	SEPARATION GEOTEXTILE	5000	SY	1. ⁰⁰	5,000. ⁰⁰
610C-001	LOOSE RIPRAP CLASS II	400	TON	22. ⁰⁰	8,800. ⁰⁰
665F-000	HAY BALES	100	EACH	6. ⁰⁰	600. ⁰⁰
665J-000	SILT FENCE, TYPE "A"	6,000	L.F.	2. ⁵⁰	15,000. ⁰⁰
	Dozier Rental	100	Hours	85. ⁰⁰	8,500. ⁰⁰
	GRAND TOTAL				233,950. ⁰⁰

The Bidder understands that the county reserves the right to reject any and all bids and to waive any informalities involved in the bidding process. The quantities listed above are approximate only. There will be no contract adjustments in the unit prices for any increase or decrease in the unit quantities.

Company Name: Tomlin Construction, LLC

Mailing Address: 6411 Lum Fife Road, Gordo, AL 35466

Telephone: (205) 364-7022

Name: Larry Tomlin / Larry Tomlin

Title: managing member

Date: July 23, 2003

File: E:/users/Mike/Road Construction 2003/Phelps Road/Earthmoving Bid

**PHELPS ROAD
PROJECT BID SHEET**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
210A-000	UNCLASSIFIED EXCAVATION PER CUBIC YD. HAULED	105,000	CY	<u>1.50</u>	<u>\$ 157,500⁰⁰</u>
210A-001	½ MILE OVERHAUL UNIT	5,000	CY	<u>0</u>	<u>0</u>
430A-000	AGGREGATE SURFACING (Contingency Item)	600	TON	<u>14⁰⁰</u>	<u>\$ 8,400⁰⁰</u>
600A-000	MOBILIZATION	1	LUMP SUM	<u>75,500⁰⁰</u>	<u>\$ 75,500⁰⁰</u>
608A-001	SEPARATION GEOTEXTILE	5000	SY	<u>0</u>	<u>0</u>
610C-001	LOOSE RIPRAP CLASS II	400	TON	<u>* 20⁰⁰</u>	<u>\$ 8,000⁰⁰</u>
665F-000	HAY BALES	100	EACH	<u>* 12⁰⁰</u>	<u>\$ 1,200⁰⁰</u>
665J-000	SILT FENCE, TYPE "A"	6,000	L.F.	<u>\$ 1⁰⁰</u>	<u>\$ 6,000⁰⁰</u>
	Dozier Rental	100	Hours	<u>\$ 75⁰⁰</u>	<u>\$ 7,500⁰⁰</u>
	GRAND TOTAL				<u>\$ 264,100⁰⁰</u>

The Bidder understands that the county reserves the right to reject any and all bids and to waive any informalities involved in the bidding process. The quantities listed above are approximate only. There will be no contract adjustments in the unit prices for any increase or decrease in the unit quantities.

Company Name: H&W Construction
Mailing Address: 3101 12th Street Suite #1 Northport Al. 35476
Telephone: 205-349-1910
Name: Danny Potwan
Title: Projects Manager
Date: 7-22-03

File: E:/users/Mike/Road Construction 2003/Phelps Road/Earthmoving Bid

**PHELPS ROAD
PROJECT BID SHEET**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
210A-000	UNCLASSIFIED EXCAVATION PER CUBIC YD. HAULED	105,000	CY	<u>2.75</u>	<u>288,750.00</u>
210A-001	½ MILE OVERHAUL UNIT	5,000	CY	<u>1.00</u>	<u>5,000.00</u>
430A-000	AGGREGATE SURFACING (Contingency Item)	600	TON	<u>20.00</u>	<u>12,000.00</u>
600A-000	MOBILIZATION	1	LUMP SUM	<u>35,000.00</u>	<u>35,000.00</u>
608A-001	SEPARATION GEOTEXTILE	5000	SY	<u>2.50</u>	<u>12,500.00</u>
610C-001	LOOSE RIPRAP CLASS II	400	TON	<u>25.00</u>	<u>10,000.00</u>
665F-000	HAY BALES	100	EACH	<u>5.00</u>	<u>500.00</u>
665J-000	SILT FENCE, TYPE "A"	6,000	.L.F.	<u>3.00</u>	<u>18,000.00</u>
	Dozier Rental	100	Hours	<u>75.00</u>	<u>7,500.00</u>
	GRAND TOTAL				<u>\$ 389,250.00</u>

The Bidder understands that the county reserves the right to reject any and all bids and to waive any informalities involved in the bidding process. The quantities listed above are approximate only. There will be no contract adjustments in the unit prices for any increase or decrease in the unit quantities.

Company Name: RACON, INC.

Mailing Address: P.O. Box 2692 Tuscaloosa, AL 35403

Telephone: (205) 333-8500

Name: [Signature]

Title: V.P.

Date: July 23, 2003

File: f:/users/Mike/Road Construction 2003/Phelps Road/Earthmoving Bid

**PHELPS ROAD
PROJECT BID SHEET**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
210A-000	UNCLASSIFIED EXCAVATION PER CUBIC YD. HAULED	105,000	CY	<u>1.98</u>	<u>207,900.00</u>
210A-001	½ MILE OVERHAUL UNIT	5,000	CY	<u>3.25</u>	<u>16,250.00</u>
430A-000	AGGREGATE SURFACING (Contingency Item)	600	TON	<u>17.50</u>	<u>10,500.00</u>
600A-000	MOBILIZATION	1	LUMP SUM	<u>67,500.00</u>	<u>67,500.00</u>
608A-001	SEPARATION GEOTEXTILE	5000	SY	<u>2.75</u>	<u>13,750.00</u>
610C-001	LOOSE RIPRAP CLASS II	400	TON	<u>30.00</u>	<u>12,000.00</u>
665F-000	HAY BALES	100	EACH	<u>4.00</u>	<u>400.00</u>
665J-000	SILT FENCE, TYPE "A"	6,000	L.F.	<u>2.00</u>	<u>12,000.00</u>
	Dozier Rental	100	Hours	<u>75.00</u>	<u>7,500.00</u>
	GRAND TOTAL				<u>\$ 347,800.00</u>

The Bidder understands that the county reserves the right to reject any and all bids and to waive any informalities involved in the bidding process. The quantities listed above are approximate only. There will be no contract adjustments in the unit prices for any increase or decrease in the unit quantities.

Company Name: ECON, INC.

Mailing Address: 609 28th Ave. Tuscaloosa, AL. 35401

Telephone: (205) 366-0741

Name: Steve Lowery

Title: Project Manager / Estimator

Date: 7/23/03

File: f:/users/Mike/Road Construction 2003/Phelps Road/Earthmoving Bid

PHELPS ROAD
PROJECT BID SHEET

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
210A-000	UNCLASSIFIED EXCAVATION PER CUBIC YD. HAULED	105,000	CY	<u>3.35</u>	<u>351,750.00</u>
210A-001	½ MILE OVERHAUL UNIT	5,000	CY	<u>0.40</u>	<u>2,000.00</u>
430A-000	AGGREGATE SURFACING (Contingency Item)	600	TON	<u>16.00</u>	<u>9,600.00</u>
600A-000	MOBILIZATION	1	LUMP SUM	<u>10,000.00</u>	<u>10,000.00</u>
608A-001	SEPARATION GEOTEXTILE	5000	SY	<u>2.00</u>	<u>10,000.00</u>
610C-001	LOOSE RIPRAP CLASS II	400	TON	<u>18.00</u>	<u>7,200.00</u>
665F-000	HAY BALES	100	EACH	<u>5.00</u>	<u>500.00</u>
665J-000	SILT FENCE, TYPE "A"	6,000	.L.F.	<u>5.00</u>	<u>30,000.00</u>
	Dozier Rental	100	Hours	<u>90.00</u>	<u>9,000.00</u>
	GRAND TOTAL				<u>430,050.00</u>

The Bidder understands that the county reserves the right to reject any and all bids and to waive any informalities involved in the bidding process. The quantities listed above are approximate only. There will be no contract adjustments in the unit prices for any increase or decrease in the unit quantities.

Company Name: FAIR CONTRACTING COMPANY, INC.
 Mailing Address: 5901 12th AVE. E. TUSCALOOSA, AL
 Telephone: (205) 752-1958 FAX: (205) 750-8088
 Name: CHARLIE HAMNER
 Title: VICE PRESIDENT
 Date: JULY 23, 2003

File: E:/users/Mike/Road Construction 2003/Phelps Road/Earthmoving Bid

MONTH OF: JUNE 2003

	FUND	CHECK NUMBERS	AMOUNT
A01	SCRAP TIRE		
A02	PAYROLL	60305-61343	\$1,026,868.29
A04	ROAD & BRIDGE	12033-12158	\$2,133,931.00
A05	GENERAL FUND	24081-24345	\$2,798,796.63
D05	GEN FUND SPECIAL		
B03	EXCESS LAND	294-297	\$9,213.31
B08	GAS TAX BONDING		
B14	3R GAS TAX		
D01	FIDUCIARY		
D02	PISTOL PERMIT	2449-2454	\$12,691.98
D03	E 911	1366-1370	\$24,153.46
D04	UNCLAIMED WITNESS		
E01	REAPPRAISAL	3032-3048	\$409,965.67
E02	MFG HOMES	1119	\$274.51
E03	HEALTH INSURANCE		
E04	MOTOR VEH TRAINING	31-32	\$1,040.56
F01	GENERAL LIABILITY	7	\$200,000.00
F02	TAX ASSR SPECIAL	306-307	\$544.26
F03	TAX COLL SPECIAL		
F04	WORKMEN'S COMP	488-493,5040,114	\$208,647.21
F06	COMMUNITY DEVELOP	1277	\$85,500.00
F07	DA WORTHLESS CHK	997-1013	\$12,313.27

CHECKED BY: *W M Lamb*

WILLIAM M. LAMB, ACCOUNTING MANAGER

APPROVED BY TUSCALOOSA COUNTY COMMISSION:

CHAIRMAN, W. HARDY MCCOLLUM *W Hardy McCollum*

COMMISSIONER, MIKE RICHARDSON *Mike Richardson*

COMMISSIONER, GARY YOUNGBLOOD *Gary Youngblood*

COMMISSIONER, BOBBY MILLER *Bobby Miller*

COMMISSIONER, REGINALD MURRAY *Reginald Murray*

7-4

**PETITION FOR APPROVAL OF A
DECLARATION OF VACATION**

STATE OF ALABAMA §

TUSCALOOSA COUNTY §

TO THE HONORABLE W. HARDY MCCOLLUM, Probate Judge of Tuscaloosa County and Chairman of the Tuscaloosa County Commission, and THE HONORABLE GARY YOUNGBLOOD, THE HONORABLE BOBBY MILLER, THE HONORABLE MIKE RICHARDSON, AND THE HONORABLE REGINALD MURRAY, Commissioners of the County Commission of Tuscaloosa County, Alabama;

COMES NOW, the undersigned:

Richard L. Bailey and Karen Bailey,

being hereinafter referred to as Petitioners, who present unto your Honors, the following statement, to-wit:

THAT, Petitioners are the owners of all of the property abutting upon the following described part or portion of the following named public roadway, said part or portion of said Avenue being in Tuscaloosa County, Alabama:

That portion of Lexington Drive beginning at a point even with the southeast corner of Lot 121 Monticello Estates, said right of way being 80 feet in width, and including all of the right of way from said point of beginning west to a point even with the northwest corner of Lot 118 Monticello Estates.

For further clarification, see attached map.

THAT, Petitioners desire to vacate said part or portion of said roadway and to close the same and to nullify the effect of the dedication of said part or portion of said Avenue to the use of the public.

THAT, a convenient means of ingress and egress to and from the property of all other property owners entitled to such is otherwise provided and that there will be no adverse affect to the public interest in any way;

THAT, the portion of the road right-of-way to be vacated is within the County of Tuscaloosa and assent to the vacation of the right of way must be obtained from the Tuscaloosa

County Commission pursuant to the provisions of Section 23-4-20 of the *Code of Alabama*, 1975;

NOW THEREFORE, in consideration of the premises, Petitioners hereby request that your Honors assent to, approve, ratify and confirm the vacation of the portion of the right-of-way described herein and the annulment of the dedication of such part or portion of the road right-of-way to the use of the public.

Petitioners further request that your Honors authorize and direct the Chairman of the Tuscaloosa County Commission to present a resolution consenting to the vacation of the road right-of-way as above said, duly certified by the Clerk of Tuscaloosa County, the officer in charge of the records of Tuscaloosa County, in order that said resolution may be attached to and filed and recorded with its legal Declaration of Vacation.

IN WITNESS WHEREOF, Petitioner have hereunto set their hands and affixed their seals on this the date set forth opposite their signatures.

Richard L. Bailey 5/19/03
Richard L. Bailey Date
Karen Bailey 5/19/03
Karen Bailey Date

STATE OF ALABAMA §

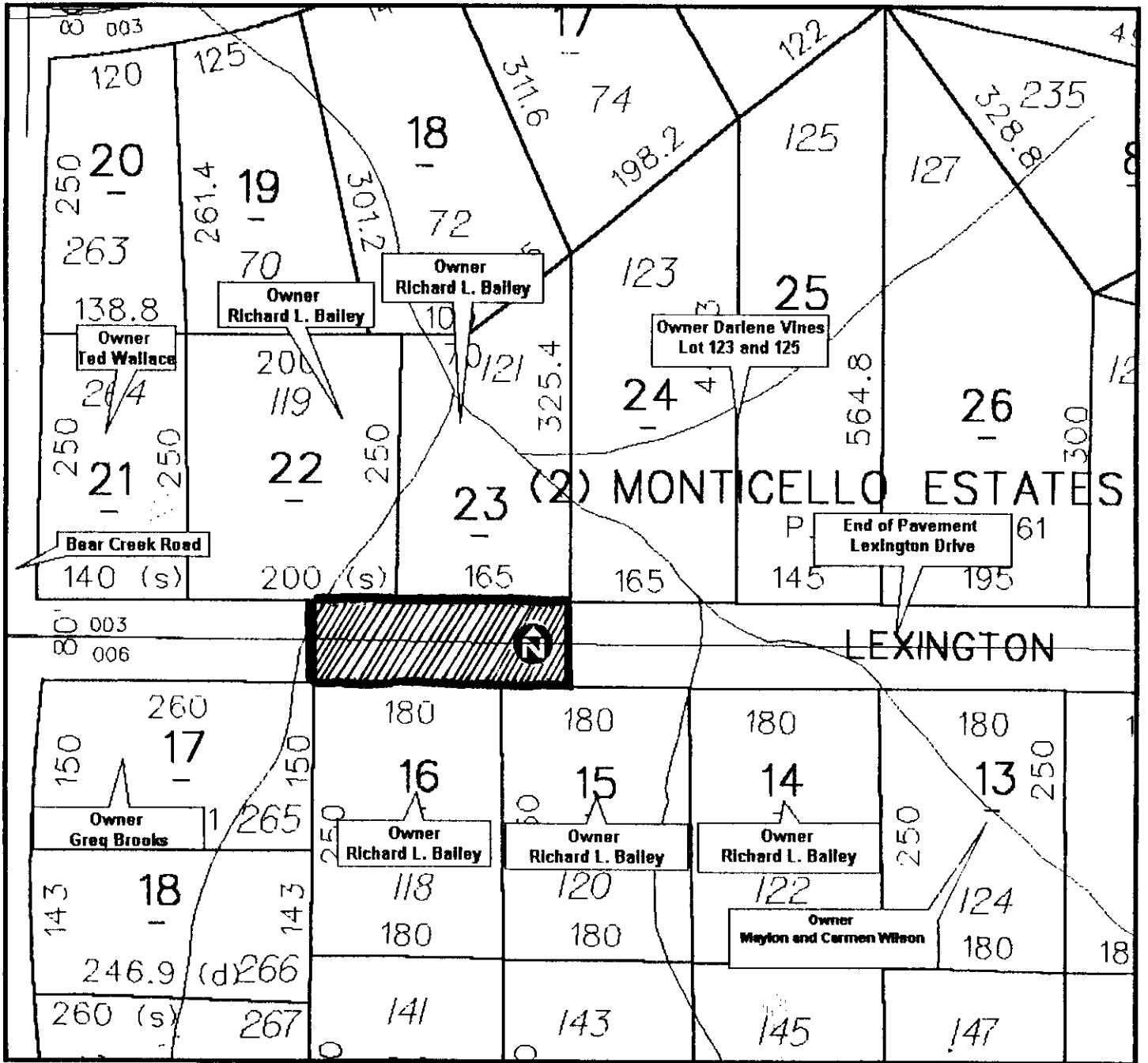
COUNTY OF TUSCALOOSA §

I, the undersigned authority, a Notary Public, in and for said County and said State, hereby certify that Richard L. Bailey and Karen Bailey, whose names are signed to the foregoing document, and who are known to me, and who being by me first duly sworn, acknowledged before me on this day that, being informed of the contents of said document, they signed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal on this the 19th day of May, 2003.

Victoria B. Sanders
Notary Public in and for the State of Alabama, at Large
My commission expires: 11-3-03

EXHIBIT TO
PETITION FOR APPROVAL OF A
DECLARATION OF VACATION
(SHADED PORTION TO BE VACATED)



**RESOLUTION OF THE TUSCALOOSA COUNTY COMMISSION
CONSENTING TO THE VACATION OF A PORTION OF RIGHT-OF-WAY**

STATE OF ALABAMA §

TUSCALOOSA COUNTY §

KNOW ALL MEN BY THESE PRESENTS, THAT,

WHEREAS, a Petition Requesting Approval Of A Declaration of Vacation has been duly presented by the undersigned:

Richard L. Bailey and Karen Bailey,

Alleging that they own all the land abutting that portion of a right-of-way in Tuscaloosa County, Alabama, which is more particularly described therein; and

WHEREAS, the described right-of-way lies within the limits of Tuscaloosa County, Alabama, and the assent of the Tuscaloosa County Commission, the governing body of the county to the vacation of that certain portion of the right-of-way has been requested and is desired by the undersigned; and

WHEREAS, it appears to the Tuscaloosa County Commission that the vacation of the above-described portion of the right-of-way will not deprive other property owners of their right, as they may have, to convenient and reasonable means of ingress to and from their property, nor will it adversely affect the interest of the public in any way;

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION as follows:

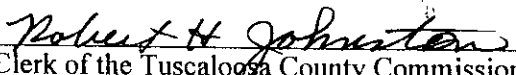
RESOLVED, that the assent of the Tuscaloosa County Commission be, and the same hereby is, given to the vacation of the portion of the road right-of-way which is located in Tuscaloosa County, Alabama, and is described on Exhibit "A" attached hereto and made a part hereof by reference.

RESOLVED, FURTHER, THAT the Chairman of the Tuscaloosa County Commission be, and he is hereby authorized to present a copy of this resolution, duly certified as correct by the Clerk of Tuscaloosa County, the offer in charge of the records of Tuscaloosa County, to the Petitioners, in order that it may be attached to and filed and recorded with the legal Declaration of Vacation of the described portion of the road right-of-way.

CERTIFICATION

I, the undersigned, Clerk of the Tuscaloosa County Commission, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Tuscaloosa County Commission at a regular meeting of the Commission held on the 23rd day of July, 2003, as the same appears and remains of record in the Record Book in my office wherein are recorded the Minutes of the proceedings of the Tuscaloosa County Commission.

IN WITNESS WHEREOF, I have hereunto affixed by signature and the official seal of Tuscaloosa County, on this the 23rd day of July, 2003.


Clerk of the Tuscaloosa County Commission