

TUSCALOOSA COUNTY COMMISSION  
MEETING  
December 15, 2004

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:

Don Wallace  
Gary Youngblood  
Bobby Miller  
Reginald Murray

Commissioner Don Wallace moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to award the bid for reclamation of Wheat Pit to Whittemore Farms as the low bidder. The bids were opened December 1, 2004.

Commissioner Gary Youngblood moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to replace the deck on the bridge in Tannehill State Park.

Commissioner Gary Youngblood moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to post 3-WAY STOP signs at Heritage Drive and Olde South Spur in District II.

Commissioner Don Wallace moved, seconded by Commissioner Gary Youngblood, the County Commission voted unanimously to grant three waivers from the county's subdivision regulations for Fulmer Properties Subdivision as follows:

1. Standard requirements for resurfacing

2. Corrugated metal pipe versus the required reinforced concrete pipe for drainage structures under the roadway
3. Required roadbed width

Exhibit 12-1, Pages 520-521

Commissioner Don Wallace moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to adopt a resolution accepting Trixie Lane, the only street in Fulmer Properties Subdivision, together with the drainage structures in, and which are a part of, said street which is located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission.

Exhibit 12-2, Page 522

Commissioner Don Wallace moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to accept a Declaration of Vacation and to adopt a resolution consenting to the vacation of Coley Road, also known as Trixie Lane, as described in the attached exhibit.

Exhibit 12-3, Pages 523-527

Commissioner Don Wallace moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to accept a Declaration of Vacation and to adopt a resolution consenting to the vacation of the portion of right-of-way on Cooper Road as described in the attached exhibit.

Exhibit 12-4, Pages 528-532

Commissioner Gary Youngblood moved, amended by Commissioner Reginald Murray, and seconded by Commissioner Don Wallace, the County Commission voted unanimously to amend the architectural contract with 2WR Holmes Wilkins Inc. on the Juvenile Detention Center expansion project. The Commission agreed to increase the base figure for the architect's contract to correspond with the actual low construction bid of \$4,865,973, in lieu of the "not to exceed construction cost of \$4.2 million" clause, which was the projected cost approximately two years ago.

Ms. Lisa Crawford presented the Commission a petition requesting that Tuscaloosa County pave Henery Drive in District II.

Exhibit 12-5, Page 533

Commissioner Don Wallace rescinded his motion to schedule a work session for the County Commission for the first Thursday of each month upon agreement that the Chairman would bring back to the Commission a recommended schedule by the last meeting in January, 2005.

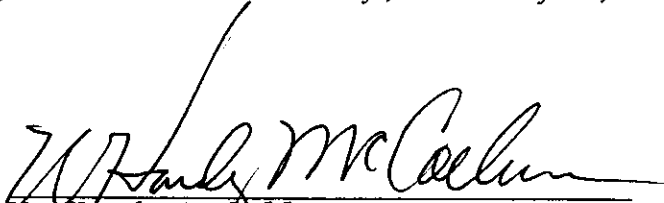
The County Commission directed the County Engineer and the Planning Director to develop a policy regarding the installation of signs throughout Tuscaloosa County for the Commission's review and approval.

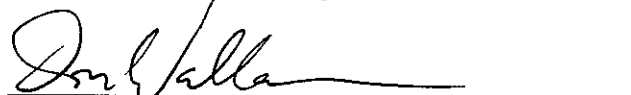
Commissioner Gary Youngblood moved, seconded by Commissioner Don Wallace, the County Commission voted unanimously to hire Burk-Kleinpeter, Inc. to design plans and develop cost estimates for extending Brookwood Parkway by building two paved lanes with the ability to expand to four lanes north from George Newell Road to the Capstone development.


Commissioner Reginald Murray moved, seconded by Commissioner Bobby Miller, the County Commission voted unanimously to authorize Planning Director Farrington Snipes to discuss a proposed drainage study for Moody Swamp Tributary No. 1 (Fosters Ferry Road at Eddins Road) with the City of Tuscaloosa to determine the source of funding for said study. The cost of the study for the area partly in the city and partly in the county is \$15,500.

Commissioner Reginald Murray moved, seconded by Commissioner Don Wallace, the County Commission voted unanimously to reappoint Probate Judge W. Hardy McCollum to a term on the Tuscaloosa County Special Tax Board effective January 1, 2005, and expiring December 31, 2008.


There being no further business to come before the Tuscaloosa County Commission, the meeting adjourned to Wednesday, January 5, 2005.

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

  
Don Wallace  
Commissioner - District I

  
Gary Youngblood  
Commissioner - District II

  
Bobby Miller  
Commissioner - District III

  
Reginald Murray  
Commissioner - District IV

TUSCALOOSA COUNTY PUBLIC WORKS DEPARTMENT

2810 35th Street  
Tuscaloosa, Alabama 35401  
(205) 345-6600  
FAX (205) 345-6600



Bobby C. Hagler  
County Engineer



Allan D. Springer, Sr.  
Assistant County Engineer

December 15, 2004

Tuscaloosa County Commission  
714 Greensboro Avenue  
Tuscaloosa, AL 35401

**Re: Waiver Request – Fulmer Properties (Trixie Lane)**

Dear Mr. Chairman and Members of the Commission:

Attached is a copy of the final plat of a proposed subdivision by Mr. Linny Fulmer as developer. Mullins and Associates, Inc. is the company handling the layout for this project and is being represented by Mr. Joe Mullins. The proposed subdivision is located in District 1 and on the East side of U.S. Highway No. 43, approximately 1.0 miles south of the intersection with Bone Camp Road.

All the lots proposed front U.S. Highway 43 and will have an access road constructed as required by the City of Tuscaloosa.

Of particular interest with this subdivision is that an existing County maintained road (known as Trixie Lane) was relocated during the construction and development of this project. The new road alignment is now situated along the North end of the subdivision and being centered within a 60-foot wide right-of-way, one that is being dedicated to the County via a recorded plat once approved. The new road is an unimproved roadbed only and has no surfacing at this time.

Mr. Fulmer and Mr. Mullins are requesting the following waivers from the subdivision regulation requirements:

- 1) All new roads must be surfaced with a minimum of 1" compacted asphalt or A.K.G. treatment at the time of plat approval from the Tuscaloosa County Engineer.
- 2) All drainage structures under the roadway must be Class III reinforced concrete pipes, minimum.
- 3) All new roadbeds must be a minimum of 28 feet in width where the lots within the subdivision are a minimum 1.0 acres in size.

**Rule 5-4-3** states in regards to road surfacing (pavement), "All streets are to be paved with two surface treatments. A Type A.K.G. Treatment (ADOT) shall be applied first, and a second layer consisting of a Bituminous Plant Mix Seal applied at a rate of 100 pounds per square yard according to ADOT standards and specifications. If so desired, the Type AKG Treatment may

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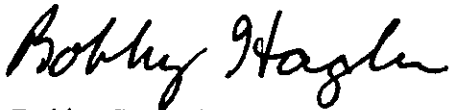
be substituted with a layer of Bituminous Plant Mix Seal applied at a rate of 100 pounds per square yard." The new road, as proposed, does not have any surface treatment on it at this time.

**Rule 5-4-4** states in regards to drainage, "... All roadway pipes will be Class III reinforced concrete with a minimum cover of 1 foot compacted thickness..." Currently, the drainage pipe underneath the road is corrugated metal.

**Rule 5-4-2** states in regards to roadway widths, "... In subdivisions containing lots with a minimum lot size of one (1) acre, the roadways may be constructed with a roadway width of twenty (20) feet with shoulders four (4) feet in width (see Typical Section). The present road width is approximately 14 to 18 feet in width, as per Mr. Mullins.

Should you have any questions, please contact Mr. Robert (Bob) McEachern at this office, and he will be available to assist you in this matter.

Sincerely yours,



Bobby C. Hagler, P.E.  
County Engineer

cc: Mr. Farrington Snipes, County Planner  
Robert Spence, County Attorney  
Bobby Johnston, Commission Clerk  
File



12-1

12-1

RESOLUTION  
TUSCALOOSA COUNTY COMMISSION

**RESOLUTION ACCEPTING STREETS IN  
FULMER PROPERTIES SUBDIVISION**

WHEREAS, Fulmer Investments, L.L.C., the owner and developer of the Fulmer Properties Subdivision, has made request of the Tuscaloosa County Commission to accept maintenance of Trixie Lane, the sole street within the subdivision dedicated by plat as a public right-of-way, the plat being submitted contemporaneously herewith; and

WHEREAS, Trixie Lane was previously maintained as a prescriptive right-of-way by the County and later relocated by a previous landowner; and

WHEREAS, the former Trixie Lane is being vacated as a prescriptive right-of-way simultaneously herewith by separate action; and

WHEREAS, the present Trixie Lane is shorter in length and presents less maintenance costs to the County and is improved from the former Trixie Lane; and

WHEREAS, the developer and contiguous landowners have attended public hearings before the County Commission asserting that the road is acceptable without the present need for surfacing and that the waivers from the subdivision regulations as indicated on the plat are being accepted by the Commission.


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

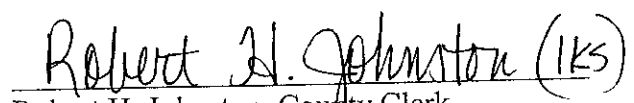
1. That the County accept the streets, together with the drainage structures in, and which are a part of, said streets which are located in dedicated street rights-of-way, for maintenance by the Tuscaloosa County Commission. The drainage structures described herein are those structures which are a part of or are located in the streets and does not include any natural waterway which drains surface water in the area.

2. This resolution shall be effective on the date of the adoption thereof.

Adopted this the 15<sup>th</sup> day of December, 2004, by the TUSCALOOSA COUNTY COMMISSION.

ATTEST:

  
W. Hardy McCallum, Chairman  
Tuscaloosa County Commission

  
Robert H. Johnston, County Clerk

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THIS INSTRUMENT PREPARED BY:

JOSEPH E. POWELL  
SPRUELL & POWELL, LLC  
911 MAIN AVENUE  
NORTHPORT, ALABAMA 35476  
(205) 345-8755

THIS INSTRUMENT WAS PREPARED WITHOUT THE BENEFIT  
OF TITLE EXAMINATION, SURVEY, OR ON SITE  
INSPECTION.

Source of Title: Deed Book 2004, Page 4450

STATE OF ALABAMA )  
  )  
TUSCALOOSA COUNTY )

DECLARATION OF VACATION OF PARTIAL RIGHT-OF-WAY  
FOR TRIXIE LANE BY ABUTTING LANDOWNERS

KNOW ALL MEN BY THESE PRESENTS, that FULMER INVESTMENTS, L.L.C. is the owner of all the land abutting a right-of-way, which is hereinafter more particularly described, and which right-of-way said owners desire to vacate as provided in Section 23-4-20 of the Code of Alabama, 1975. The vacation of said right-of-way as hereinafter described will not deprive other property owners of reasonable means of ingress and egress to and from their property nor will it adversely affect the interest of the general public in any way.

NOW, THEREFORE, pursuant to the provisions of Section 23-4-20 of the Code of Alabama, 1975, the undersigned owners do hereby declare a portion of the following described right-of-way located in Tuscaloosa County, Alabama, to be vacated:

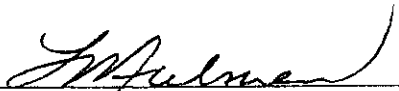
See Exhibit "A" which is attached hereto and incorporated herein by reference as if fully set out herein verbatim.

The said right-of-way to be vacated is not within the corporate limits of any municipality, but located in Tuscaloosa County and assent to the vacation of said right-of-way has been obtained from the Tuscaloosa County Commission by resolution, a copy of which, certified by the County Clerk, is attached hereto, filed and recorded with this written Declaration of Vacation, and made a part hereof.

IN WITNESS WHEREOF, the said FULMER INVESTMENTS, L.L.C. has executed this Declaration of Vacation of Right-of-Way this 14 day of December, 2004.

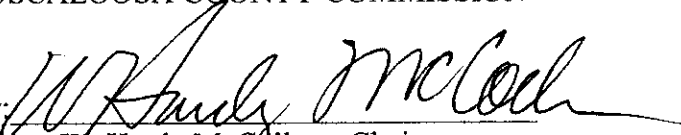
FULMER INVESTMENTS, L.L.C.



By:   
L. N. Fulmer

Its: Member / Manager

TUSCALOOSA COUNTY COMMISSION

By:   
W. Hardy McCollum, Chairman

ATTEST:

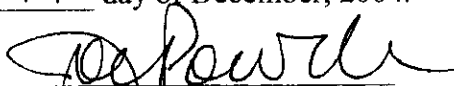
Robert H. Johnston, County Clerk

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STATE OF ALABAMA )  
 )  
TUSCALOOSA COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that L. N. Fulmer whose name is signed to the foregoing instrument as Member / Manager of FULMER INVESTMENTS, L.L.C., an Alabama limited liability company and who is known to me, acknowledged before me on this day, that, being informed of the contents of this instrument, he executed the same as such officer with full authority voluntarily as an act of said company on the day same bears date.

Given under my hand and official seal this 14 day of December, 2004.

  
Notary Public

My commission expires: 2-13-06

STATE OF ALABAMA )  
 )  
TUSCALOOSA COUNTY )

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that W. Hardy McCollum whose name as Judge of Probate of the Tuscaloosa County and Robert H. Johnston whose name as County Clerk of Tuscaloosa County are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officials of Tuscaloosa County with full authority, executed the same voluntarily on the day the same bears date for and as the act of the Tuscaloosa County Commission.

Given under my hand and official seal this \_\_\_\_\_ day of December, 2004.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

TUSCALOOSA COUNTY COMMISSION  
TUSCALOOSA COUNTY, ALABAMA

**RESOLUTION CONSENTING TO THE VACATION OF A PUBLIC STREET IN  
TUSCALOOSA COUNTY**

WHEREAS, Fulmer Investments, LLC, hereinafter called the Owner, alleges that he owns all of the land abutting a certain public street in Tuscaloosa County hereinafter described; and,

WHEREAS, said street lies within an unincorporated area of Tuscaloosa County, Alabama, and the assent of the Tuscaloosa County Commission, the governing body of the said County, to the vacation of said public street has been requested and is desired by the Owner; and,

WHEREAS, a duly advertised public hearing to address the proposed vacation of Coley Road, also known as Trixie Lane, a public street in Tuscaloosa County was held on November 9, 2004, and the abutting landowners, prior to said hearing waived notice of the same; and,

WHEREAS, it appears to the Tuscaloosa County Commission that the vacation of said public street as herein described 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:

That the assent of said County Commission be, and the same is hereby, given to the vacation of the following described public street in Tuscaloosa County, Alabama, to-wit:

A prescriptive right of way in, to, upon, and over all of that road sometimes known as the Coley Road and later named Trixie Lane located in Tuscaloosa County, Alabama, in the NW1/4 of S8, T20S, R10W, said road having been publicly maintained at a certain time by the County Commission and now no longer in use as a public road.

See Exhibit "A" attached hereto depicting the area of vacation.

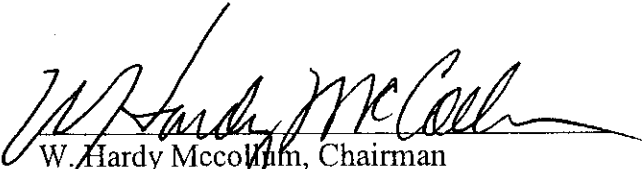
BE IT FURTHER RESOLVED BY THE TUSCALOOSA COUNTY COMMISSION that the Chairman of the County Commission be, and he hereby is, authorized to present a copy of this resolution duly certified as correct by the County Clerk of Tuscaloosa County, the officer in charge of the records of said County to said above party in order that same may be attached to and filed and recorded with the legal declaration of vacation of said above and foregoing described public street.


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BE IT FURTHER RESOLVED that this vacation is subject to any and all public utilities which might be located in said right-of-way.

This the 15<sup>th</sup> day of December, 2004.

ATTEST:

  
W. Hardy McCollum, Chairman  
Tuscaloosa County Commission

 (ks)  
Bobby Johnston, County Clerk

THE STATE OF ALABAMA     }

COUNTY OF TUSCALOOSA     }

**DECLARATION OF VACATION**

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, the undersigned is the owner of all the land abutting a road right-of-way and/or unused alley or portion thereof, located in Tuscaloosa County, Alabama, which is more particularly described herein;

and

WHEREAS, the owners desire to vacate the road right-of-way and/or unused alley as provided under Section 23-4-20 of the Code of Alabama, 1975; and

WHEREAS, the vacation of the portion of the road right-of-way and/or unused alley will not deprive other property owners of reasonable means of ingress and egress to and from their property nor will it adversely affect the interest of the public in any way; and

WHEREAS, the road right-of-way and/or unused alley is within the County of Tuscaloosa and assent to the vacation of the right-of-way and/or unused alley has been obtained from the Tuscaloosa County Commission, as evidenced by resolution adopted by the Commission at a regular meeting there of, a certified copy of which is set out hereinbelow;

NOW, THEREFORE, pursuant to the provisions of Section 23-4-20 of the Code of Alabama, 1975 the Owners do hereby declare the following portion of the road right-of-way and/or unused alley to be vacated as described:

A strip of land being located in the Northwest Quarter of the Southeast Quarter of Section 20, Township 19 South, Range 12 West, Tuscaloosa County, Alabama, said strip being the abandoned portion of the old Cooper Road, lying North of the newly formed constructed alignment of said Cooper Road, all lying in and across the property being now or formerly owned by the Estate of Julius B. Cooper, Jr. as described in Deed Book 2001 at Page 7390, and being that as depicted on the attached Exhibit "A"

IN WITNESS THEREOF, the Owners have hereunto set her hand and seal on this the

14th day of December, 2004.

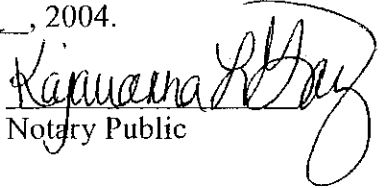
OWNER:

*Jaqueline J. Cooper*  
Personal Representative

STATE OF ALABAMA }  
COUNTY OF TUSCALOOSA }

I, the undersigned authority, hereby certify that Jacqueline F. Cooper whose name is the foregoing as Personal Representative and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the say the same bears date.

Given under my hand this 14<sup>th</sup> day of December, 2004.

  
Notary Public

My Commission Expires: 1/9/2008

# Exhibit "A"

Jacqueline F. Cooper  
 18175 Cooper Road  
 Elrod, AL 35458  
 (D.B. 2001, PG. 7390)

PURPORTED SW CORNER  
 NE1/4 - SE1/4,  
 SECTION 20,  
 TOWNSHIP 19 SOUTH,  
 RANGE 12 WEST,  
 TUSCALOOSA COUNTY, AL.  
 (RAILROAD SPIKE IN  
 BASE OF TREE)

Existing  
 Shed

End R/W Vacation

Old Cooper Road Alignment  
 (To be Vacated)

Existing Old Fence Line

Begin R/W Vacation

PROPOSED  
 FRENCH/VICE  
 CEMETERY

Joel F. French  
 3811 33rd Street  
 Northport, AL 35476  
 (D.B. 681, PG. 354)

## Cooper Road Right-of-Way Vacation

ACQUIRED 60' R.O.W. &  
 NEW ROAD ALIGNMENT

Christine F. Vice  
 21048 Cora Lee Circle  
 McCalla, AL 35111  
 (D.B. 681, PG. 335)

60'  
 R/W

PURPORTED SE CORNER  
 NE1/4 - SE1/4,  
 SECTION 20,  
 TOWNSHIP 19 SOUTH,  
 RANGE 12 WEST,  
 TUSCALOOSA COUNTY, AL.  
 1" BENT IRON PIPE FOUND

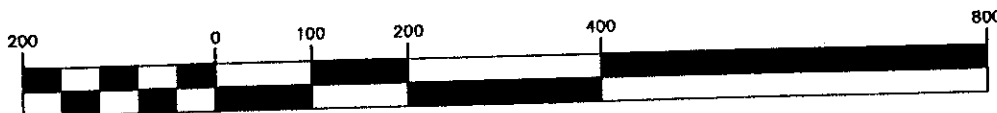
SECTION 20  
 SECTION 21

Existing Gravel Section  
 Cooper Road

END OF EXISTING  
 ASPHALT ROAD

GEODETIC

GRAPHIC SCALE



( IN FEET )

1 inch = 200 ft.

### Legend:

- IRON PIN FOUND
- IRON PIN SET W/ CAP STAMPED
- IRON PIN FOUND W/ CAP STAMPED
- RECORD BOOK
- MINIMUM BUILDING LINE
- CHAINLINK FENCE
- WOOD FENCE
- BARBED WIRE FENCE
- POINT-OF-BEGINNING
- POINT-OF-COMMENCEMENT
- PLAT BOOK
- PAGE
- DEED BOOK
- UTILITY POLE

- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- QUARTER-SECTION LINES
- SCALE 1"=200'
- BAR IS ONE INCH ON ORIGINAL DRAWING
- IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY
- MBL
- P.O.B.
- P.O.C.
- P.B.
- P.G.
- D.B.

### Right-of-Way Vacation Map

## TUSCALOOSA COUNTY ENGINEERING DEPARTMENT

2810 35th Street / Tuscaloosa, Al. 35401 (345-6600)

DRAWN BY	DATE DRAWN	DATE OF SURVEY	FIELD BK	JOB NO.
R.A.M.	09/25/03	05/06/02	ELEC/FILE	COOPER

THE STATE OF ALABAMA }  
COUNTY OF TUSCALOOSA }

RESOLUTION NO. \_\_\_\_\_  
OF THE TUSCALOOSA COUNTY COMMISSION

WHEREAS, the Estate of Julius B. Cooper, Jr. is the owner of all the land abutting that certain public right-of-way located in the Northwest Quarter of the Southeast Quarter of Section 20, Township 19 South, Range 12 West, Tuscaloosa County, Alabama.

WHEREAS, said owner has executed a Declaration of Vacation, vacating all of the land constituting said public right-of-way as above described and desired to divert any and all right which the public may have in and to said public right-of-way and the use thereof by virtue of the establishment of same; and

WHEREAS, it is reported to the Tuscaloosa County Commission that a convenient means of egress and ingress is afforded to all the property owners of the area in which the public right-of-way is located by the remaining street and private easements therein located;

NOW, THEREFORE, be it resolved by the County Commission of Tuscaloosa County, Alabama, as follows:

A strip of land being locate in the Northwest Quarter of the Southeast Quarter of Section 20, Township 12 South, Range 12 West, Tuscaloosa County, Alabama, said strip being the abandoned portion of the old Cooper Road, lying North of the newly constructed alignment of said Cooper Road, all lying in an across the property being now or formly owned by Jacqueline F. Cooper, as described in Deed Book 2001 at page 7390, and being that as depicted on the attached Exhibit "A".

"That the County Commission of Tuscaloosa County, Alabama does assent to the vacation of the public right-of-way located in the Southeast Quarter of Section 20, Township 19South, Range 12 West, Tuscaloosa County, Alabama. A certified copy of this Resolution shall be furnished to said petitioners in order that the same can be attached to the Declaration of Vacation filed in this matter as provided for by Section 23-4-20 Code of Alabama (1975)."

Adopted by the County Commission of Tuscaloosa County, Alabama on this the 15<sup>th</sup> day of December, 2004.

Seal

Robert A. Johnston (IKS)  
CLERK OF THE COUNTY COMMISSION OF  
TUSCALOOSA COUNTY, ALABAMA



STATE OF ALABAMA }

COUNTY OF TUSCALOOSA }

I Robert H. Johnston Clerk of the County Commission of Tuscaloosa County, Alabama, hereby certify the foregoing is a correct copy of a Resolution adopted by the County Commission of Tuscaloosa County, Alabama at a regularly scheduled meeting thereof on the 15th day of December, 2004.

Seal

Robert H. Johnston (IKS)  
CLERK OF THE COUNTY COMMISSION OF  
TUSCALOOSA COUNTY, ALABAMA

We the residents of Henery Drive within the county of Tuscaloosa do hereby petition with one voice the county of Tuscaloosa to pave the 0.2 miles of dirt road which is our only route to gain us access to Alice road a main thoroughfare.

\_\_\_\_\_ & Mrs Henry John of 21694 Henery Drive, Tucaloosa, Alabama

Jane K. Humphreys & Lavonne Humphreys of 21704 Henery Drive, Tucaloosa, Alabama

\_\_\_\_\_ & Mrs. Hudson of 21730 Henery Drive, Tucaloosa, Alabama

Paul M. Boyd & Janice Boyd of 21671 Henery Drive, Tucaloosa, Alabama

Phillip Criss & Liane Criss of 21749 Henery Drive, Tucaloosa, Alabama

\_\_\_\_\_ & Lisa Crawford of 21651 Henery Drive, Tucaloosa, Alabama

\_\_\_\_\_ & \_\_\_\_\_ of \_\_\_\_\_ Henery Drive, Tucaloosa, Alabama