

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
November 4, 2019**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:02 p.m. on the 4th day of November, 2019 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, NEAL WILLIS, MIKE LOCKHART,
KEN SOCKWELL, ALLEN NOLES

ABSENT:

Allen Noles, President of the Council, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business. Mayor David Bradford was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Willis and seconded by Council Member Hall and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of October 21, 2019 and approved the minutes as written.

Mayor Bradford noted that the City had submitted grant applications for storm drainage improvements for the South Gate Mall area to the Economic Development Administration (EDA) and a flood study for the southeast area of the City to the Appalachian Regional Commission (ARC). He also shared the Utilities Board had been recognized by the Alabama Department of Environmental Management (ADEM) in conjunction with the Environmental Protection Agency (EPA) for water quality. Mayor Bradford noted that the City had been recognized by several groups during 2019 for excellence in education, public safety and quality of life issues.

President Noles announced that the next item of business was consideration of a resolution to vacate a portion of Missouri Avenue in Riverside Park Subdivision.

Council Member Hall introduced the following resolution and moved for its adoption:

STATE OF ALABAMA

PETITION AND DECLARATION OF VACATION

COLBERT COUNTY

WHEREAS, the undersigned, Gary Keith Ledlow, is the owner of Lots 250 through 257, Block 4, and Lots 274 through 281, Block 9, all in RIVERSIDE PARK SUBDIVISION, a subdivision in Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 351, in the Office of the Judge of Probate of Colbert County, Alabama; said property being the only property abutting the portion of Missouri Avenue hereinafter set out, does hereby declare the following portion of Missouri Avenue in said Riverside Park Subdivision to be vacated, to wit:

That portion of Missouri Avenue lying east of a line extended from the northwest corner of Lot 274, Block 9 to the southwest corner of Lot 257, Block 4, Riverside Park Subdivision, a subdivision in Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 351, in the office of the Judge of Probate of Colbert County, Alabama, and west of Casey Drive (formerly known as Hudson Street).

SUBJECT TO a utility and drainage easement in favor of the City of Muscle Shoals for natural gas, water, and electric service as presently located in the above described street.

The undersigned, Gary Keith Ledlow, hereby requests that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described portion of said alleyways as described herein and, further, to authorize conveyance by quit-claim deed, to the petitioner of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the herein above described alleyways.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed on this 29th day of October, 2019.

s/ Gary Ledlow

Gary Keith Ledlow

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Gary Keith Ledlow, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily and as the binding act of said company as of the day the same bears date.

Given under my hand and official seal this the 29th day of October, 2019.

s/ Jameson Hughston

NOTARY PUBLIC

My Commission Expires: 6-30-2021

SEAL

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3037 - 19

WHEREAS, Gary Keith Ledlow, hereinafter called Petitioner, is the owner of Lots 250 through 257, Block 4, and Lots 274 through 281, Block 9, all in RIVERSIDE PARK SUBDIVISION, a subdivision in Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 351, in the Office of the Judge of Probate of Colbert County, Alabama; abutting a portion of Missouri Avenue hereinafter described with particularity; said Petitioner being desirous of vacating said portion of Missouri Avenue, has presented his signed Petition and Declaration of Vacation of said portion of Missouri Avenue hereinafter described to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the said street to be vacated are more particularly described as follows: That portion of Missouri Avenue lying east of a line extended from the northwest corner of Lot 274, Block 9 to the southwest corner of Lot 257, Block 4, Riverside Park Subdivision, a subdivision in Colbert County, Alabama, known and designated according to the map and plat thereof prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 351, in the office of the Judge of Probate of Colbert County, Alabama, and west of Casey Drive (formerly known as Hudson Street).

SUBJECT TO a utility and drainage easement in favor of the City of Muscle Shoals for natural gas, water, and electric service as presently located in the above described street.

WHEREAS, the aforesaid Petitioner, as the owner of all property abutting the said portion of Missouri Avenue to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described portion of Missouri Avenue is located, such means of ingress and egress being afforded by the remaining dedicated streets in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and there same is hereby given and granted to the vacation of the portion of Missouri Avenue herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Gary Keith Ledlow, whatever right, title and

interest the City of Muscle Shoals may have acquired in and to the above described portion of Missouri Avenue and that the Mayor, David H. Bradford, is hereby authorized to execute and deliver said quit-claim deed to for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Sockwell seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was consideration of a resolution to vacate a portion of East Washington Avenue.

Council Member Sockwell introduced the following resolution and moved for its adoption:

STATE OF ALABAMA)
) **PETITION AND DECLARATION OF VACATION**
COLBERT COUNTY)

WHEREAS, the undersigned, Grace Investments, LLC, an Alabama limited liability company, is the owner of the following described tracts of land, to wit:

Tract I

A tract or parcel of land lying in the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 4 South, Range 10 West, City of Muscle Shoals, Colbert County, Alabama, and being more fully described as follows: Commence at the Northeast corner of said Section 6; run thence North 88 Degrees 56 Minutes West for 660 Feet (Deed Call) to a nail and cap set in the centerline of Avalon Avenue; run South 00 Degrees 16 Minutes 31 Seconds East leaving said road for 667.31 Feet (passing over an existing concrete monument at 50.12 Feet) to an existing concrete monument and the point of beginning of the herein described tract; run thence South 88 Degrees 55 Minutes 32 Seconds East for 659.82 Feet to an existing concrete monument; run thence South 00 Degrees 15 Minutes East for 668.21 Feet (passing over a 1/2" capped re-bar set at 638.21 Feet) to an existing nail and cap (P & R); run thence North 88 Degrees 56 Minutes West for 659.52 Feet to a nail and cap set; run thence North 00 Degrees 16 Minutes 31 Seconds West for 668.31 Feet (passing over a 1/2" capped re-bar set at 30 Feet) to the point of beginning.

Tract II

Tract 1 of TOR Properties, LLC Subdivision, according to the plat of said subdivision, as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2012, Page 8 and Plat Cabinet C, Slide 173.

Tract III

Tract 2 of TOR Properties, LLC Subdivision, according to the plat of said subdivision, as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2012, Page 8 and Plat Cabinet C, Slide 173.

WHEREAS, East Washington Drive, in the City of Muscle Shoals, Alabama, runs in an east-west direction between Tracts I and III and in a north - south direction through a portion of Tract III; and

WHEREAS, the undersigned owner desires to vacate the portion of East Washington Drive in the City of Muscle Shoals described below.

NOW, THEREFORE, PREMISES CONSIDERED, the undersigned owner does hereby declare the following portion of East Washington Drive, in the City of Muscle Shoals, Alabama to be vacated, to-wit:

VACATION OF A PORTION OF EAST WASHINGTON DRIVE:

That portion of East Washington Drive i) lying south of Tract I described above to the easterly point of termination of East Washington Drive; ii) lying north of Tract III described above to the easterly point of termination of East Washington Drive; and, iii) that 60 foot portion of East Washington Drive running in a north - south direction through Tract III described above.

The undersigned, Grace Investments, LLC, hereby requests that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described portions of East Washington Drive and, further, to authorize conveyance by quit-claim deed, to the Petitioner of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the hereinabove portions of East Washington Drive.

IN WITNESS WHEREOF, the undersigned, by and through its authorized representative, has hereunto set its hand and seal as of this the 17th day of October, 2019.

GRACE INVESTMENTS, LLC

BY: s/ Chadwick Epperson

Its: Sole Member

STATE OF ALABAMA)

)

COLBERT COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Chadwick Epperson, whose name as sole Member of Grace Investments, LLC, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in

such capacity and with full authority, executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 17th day of October, 2019.

s/ Karen P. Boggan

NOTARY PUBLIC

My Commission Expires: 06/02/2020

SEAL

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3038 - 19

WHEREAS, Grace Investments, LLC, an Alabama limited liability company, (the "Petitioner") has presented to the City Council of Muscle Shoals, Alabama, a written petition, duly executed and acknowledged, setting forth that Petitioner is the owner of the following described tracts of land, to-wit:

Tract I

A tract or parcel of land lying in the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 4 South, Range 10 West, City of Muscle Shoals, Colbert County, Alabama, and being more fully described as follows: Commence at the Northeast corner of said Section 6; run thence North 88 Degrees 56 Minutes West for 660 Feet (Deed Call) to a nail and cap set in the centerline of Avalon Avenue; run South 00 Degrees 16 Minutes 31 Seconds East leaving said road for 667.31 Feet (passing over an existing concrete monument at 50.12 Feet) to an existing concrete monument and the point of beginning of the herein described tract; run thence South 88 Degrees 55 Minutes 32 Seconds East for 659.82 Feet to an existing concrete monument; run thence South 00 Degrees 15 Minutes East for 668.21 Feet (passing over a 1/2" capped re-bar set at 638.21 Feet) to an existing nail and cap (P & R); run thence North 88 Degrees 56 Minutes West for 659.52 Feet to a nail and cap set; run thence North 00 Degrees 16 Minutes 31 Seconds West for 668.31 Feet (passing over a 1/2" capped re-bar set at 30 Feet) to the point of beginning.

Tract II

Tract 1 of TOR Properties, LLC Subdivision, according to the plat of said subdivision, as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2012, Page 8 and Plat Cabinet C, Slide 173.

Tract III

Tract 2 of TOR Properties, LLC Subdivision, according to the plat of said subdivision, as recorded in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2012, Page 8 and Plat Cabinet C, Slide 173.

WHEREAS, the City Council of Muscle Shoals, Alabama, a municipal corporation, has been requested to assent to and approve the vacation and the annulment of the dedication of the hereinafter described portion of East Washington Drive, in the City of Muscle Shoals, Alabama to the use of the public; and

WHEREAS, the City Council of Muscle Shoals, Alabama, does hereby find that vacation of the portion of the described alley and street will not affect any person's access to or from his property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Muscle Shoals, Alabama, a municipal corporation, that the act of Petitioner in vacating and annulling the following described portion of East Washington Drive in the City of Muscle Shoals, Colbert County, Alabama, to wit:

VACATION OF A PORTION OF EAST WASHINGTON DRIVE:

That portion of East Washington Drive i) lying south of Tract I described above to the easterly point of termination of East Washington Drive; ii) lying north of Tract III described above to the easterly point of termination of East Washington Drive; and, iii) that 60 foot portion of East Washington Drive running in a north - south direction through Tract III described above,

be and the same is hereby ratified, approved and confirmed and its assent is hereby given, **SUBJECT TO** twenty foot perpetual utility easements (being 10 feet on either side of existing utility lines) owned by and for the benefit of Muscle Shoals Electric Board and Muscle Shoals Utilities Board, including the right to repair, replace, erect, construct, install, and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove public utilities and facilities (and all appurtenances, appliances, and equipment necessary and convenient for the transportation and collection of water and sewage through and in such facilities) in, on, through, under, above, and across the perpetual easements described above.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim Petitioner whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of East Washington Drive and that the Mayor or President of the Council is hereby authorized to execute such quit-claim deed to Petitioner for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Lockhart seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Noles announced that the resolution had been approved.

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
a Municipal Corporation

COUNCIL MEMBER - PLACE ONE

COUNCIL MEMBER - PLACE TWO

COUNCIL MEMBER - PLACE THREE

COUNCIL MEMBER - PLACE FOUR

ATTEST:

COUNCIL MEMBER - PLACE FIVE

CITY CLERK