

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

May 9, 2011

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The Council of Muscle Shoals, Alabama met at the City Hall in said City at 6:05 p.m. on the 9<sup>th</sup> day of May, 2011 being the regularly scheduled time and approved place for said meeting. The meeting was called to order by David Bradford, Mayor of the City. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: JOE PAMPINTO, JERRY KNIGHT GRISSOM, JAMES HOLLAND  
ALLEN NOLES, DAVID H. BRADFORD

ABSENT: NEAL WILLIS

David Bradford, Mayor of the City, 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. Richard Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Holland seconded by Council Member Pampinto and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of April 25, 2011 and approved the minutes as written.

Mayor Bradford announced that the next item of business was consideration of resolution awarding the bid for lawn maintenance services.

Council Member Pampinto introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NO. 2497-11**

**BE IT RESOLVED** by the Council of the City of Muscle Shoals, Alabama, as follows:

[1] That the Purchasing Agent did send out advertisements for bids for lawn maintenance services at the locations of City Hall, Public Library, Police Department, Fire Station #1 to include Fire Annex Building and Haz-Mat Building, and Shoals Research Airpark, the bid opening being held the 4<sup>th</sup> day of May, 2011 at the City Hall of the City of Muscle Shoals, Alabama.

[2] At the appointed time and place, as specified above, the following bids were opened and tabulated as follows:

<u>BIDDER:</u>	<u>MONTHLY BID AMOUNT:</u>
Dixie Lawns	\$1300.00
Frank's Lawn Service	\$1900.00
Lawn Man, Inc.	\$2400.00
4-M Services	\$2150.00

[3] The lowest, responsible, responsive bidder, after verifying the bid with the specifications, has been determined as Dixie Lawns with a total monthly bid price of \$1300.00.

**THEREFORE, BE IT FURTHER RESOLVED**, that the apparent low and best bidder, Dixie Lawns, is now awarded the bid for lawn maintenance services.

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

Mayor Bradford announced that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of an alleyway between Pilgrim and Puritan Avenue in Highland Park Subdivision #1.

Council Member Grissom introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

### PETITION

**WHEREAS**, the undersigned, Blake Aycock, hereinafter referred to as "Petitioner" is the owner of lots 185 and 186 in a subdivision known as HIGHLAND PARK SUBDIVISION abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyway or portions thereof.

**WHEREAS**, Petitioner states that the alleyway, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as HIGHLAND PARK SUBDIVISION, all of which are designated according the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Plat Book 1, Page 57.

**WHEREAS**, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

**WHEREAS**, Petitioner states that the said alleyway, or portions thereof, desired to be vacated are not currently being used;

**WHEREAS**, Petitioner seeks and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

**NOW, THEREFORE**, I, the undersigned Petitioner, being the owner of lots 185 and 186 in the subdivision known as HIGHLAND PARK SUBDIVISION abutting on said alleyway, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same does hereby declare the following streets and alleyways or portions thereof, to be vacated, to wit:

The west half of the alley between lots numbered 111 through 116 and lot 185, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a utility and drainage easement along the west 9 feet of said alley as it abuts the north 10 feet of lot 185.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal this 7<sup>th</sup> day of May 2011.

s/ Blake Aycock

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that BLAKE AYCOCK, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7<sup>th</sup> day of May 2011.

s/ Charlene Isbell

Notary Public

My Commission Expires: 1/4/12

STATE OF ALABAMA  
COLBERT COUNTY

### **RESOLUTION NUMBER 2498-11**

**WHEREAS**, Blake Aycock, hereinafter referred to as Petitioner is the owner of lots 185 and 186 in a subdivision known as HIGHLAND PARK SUBDIVISION, abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyway, or portions thereof, presented his signed Petition of Vacation of said alleyway in said subdivision, to the City Council of the City of Muscle Shoals, Alabama for its consideration, assent and approval, said property being more particularly described herein; and,

**WHEREAS**, the Petitioner, as the owner of the property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of said public alley within the City of Muscle Shoals, Alabama; and,

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama, has determined that 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 alleyway, or portions thereof, is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys in the area; and,

**WHEREAS**, The City of Muscle Shoals has determined it will require the dedication of a 10 foot utility and drainage easement along the north and 10 foot west sides of lots owned by Blake Aycock adjacent to said alley; and,

**WHEREAS**, Blake Aycock has delivered to the City of Muscle Shoals a deed satisfactory to the City by which said easement is being conveyed.

**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 the same is hereby given and granted to the vacation of the portion of the alleyway being more fully described as follows:

**The west half of the alley between lots numbered 111 through 116 and lot 185, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a utility and drainage easement along the west 9 feet of said alley as it abuts the north 10 feet of lot 185.**

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in said alleyway, or portions thereof, as herein described, unto the Petitioner, Blake Aycock.

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Council Member Noles seconded the motion and upon said motion being put to a vote, a roll call vote was had as follows:

AYES: Council Member Pampinto, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of an alleyway between Pilgrim and Puritan Avenue in Highland Park Subdivision #1.

Council Member Grissom introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

**PETITION**

**WHEREAS**, the undersigned, RYAN FISHER and MELISSA CROSS, hereinafter referred to as "Petitioners" are the owners of Lot 216 in a subdivision known as HIGHLAND PARK SUBDIVISION abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyway or portions thereof.

**WHEREAS**, Petitioners state that the alleyway, or portions thereof, that Petitioners desire to vacate are located within and as a part of the subdivision designated as HIGHLAND PARK SUBDIVISION, all of which are designated according the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Plat Book 1, Page 57.

**WHEREAS**, Petitioners state that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

**WHEREAS**, Petitioners state that the said alleyway, or portions thereof, desired to be vacated are not currently being used;

**WHEREAS**, Petitioners seek and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

**NOW, THEREFORE**, WE, the undersigned Petitioners, being the owners of Lot 216 in the subdivision known as HIGHLAND PARK SUBDIVISION abutting on said alleyway, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same does hereby declare the following streets and alleyways or portions thereof, to be vacated, to wit:

**The west half of the alley between lots numbered 105 through 110 and lot Numbered 216, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a 9 foot utility and drainage easement retained by the City of Muscle Shoals along the west side of said alley and a 5 foot utility and drainage easement taken evenly off the south side of lots 215 and 216.**

IN WITNESS, WHEREOF, I have hereunto set my hand and seal this 7<sup>th</sup> day of May 2011.

s/ Ryan Fisher

s/ Melissa Cross Fisher

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that RYAN FISHER and MELISSA CROSS, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7th day of May 2011.

s/ Charlene Isbell  
Notary Public  
My Commission Expires: 1/4/12

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 2499 - 11**

**WHEREAS**, Ryan Fisher and Melissa Cross, hereinafter referred to as Petitioners, are the owners of a lot 216 in a subdivision known as HIGHLAND PARK SUBDIVISION, abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said alleyway, or portions thereof, presented their signed Petition of Vacation of said alleyway in said subdivision, to the City Council of the City of Muscle Shoals, Alabama for its consideration, assent and approval, said property being more particularly described herein; and

**WHEREAS**, the Petitioners, as the owners of the property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of said public alley within the City of Muscle Shoals, Alabama, and

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama, has determined that 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 alleyway, or portions thereof, is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys 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 the same is hereby given and granted to the vacation of the portion of the alleyway being more fully described as follows:

**The west half of the alley between lots numbered 105 through 110 and lot Numbered 216, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a 9 foot utility and drainage easement retained by the City of Muscle Shoals along the west side of said alley and a 5 foot utility and drainage easement taken evenly off the south side of lots 215 and 216.**

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in said alleyway, or portions thereof, as herein described, unto the Petitioners, Ryan Fisher and Melissa Cross.

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Council Member Noles seconded the motion and upon said motion being put to a vote, a roll call vote was had as follows:

AYES: Council Member Pampinto, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was consideration of a resolution to vacate a portion of an alleyway between Pilgrim and Puritan Avenue in Highland Park Subdivision #1.

Council Member Grissom introduced the following resolution which was presented in the meeting and moved for its adoption:

STATE OF ALABAMA  
COLBERT COUNTY

### **PETITION**

**WHEREAS**, the undersigned, DEBORAH MILEY, hereinafter referred to as "Petitioner" is the owner of Lots 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, & 116 in a subdivision known as HIGHLAND PARK SUBDIVISION abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyway or portions thereof.

**WHEREAS**, Petitioner states that the alleyway, or portions thereof, that Petitioner desires to vacate are located within and as a part of the subdivision designated as HIGHLAND PARK SUBDIVISION, all of which are designated according the maps and plats thereof recorded in the Office of the Judge of Probate of Colbert County, Alabama in Plat Book 1, Page 57.

**WHEREAS**, Petitioner states that convenient and reasonable means of ingress and egress to and from other property located within the said subdivision and other property is afforded to all other property owners and further that said desired vacation shall not deprive the undersigned, or other, property owners from convenient and reasonable means of ingress and egress to and from their property;

**WHEREAS**, Petitioner states that the said alleyway, or portions thereof, desired to be vacated are not currently being used;

**WHEREAS**, Petitioner seeks and request assent to the vacation by the governing body of Muscle Shoals, Alabama, same to be evidenced by a resolution duly adopted by the governing body and certified by the Clerk;

**NOW, THEREFORE**, I, the undersigned Petitioner, being the owner of Lots 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, & 116 in the subdivision known as HIGHLAND PARK SUBDIVISION abutting on said alleyway, or portions thereof, located in said subdivision, and further described herein, and desirous of vacating same does hereby declare the following streets and alleyways or portions thereof, to be vacated, to wit:

**The east half of the alley between lots numbered 185 AND 216 and lots numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, & 116, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a 9 foot utility and drainage easement reserved by the City of Muscle Shoals along the east side of said alley as it abuts lots 105 through 110 inclusive and the north 10 feet of lot 111.**

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal this 7<sup>th</sup> day of May, 2011.

s/ Deborah Miley

**STATE OF ALABAMA  
COLBERT COUNTY**

I, the undersigned authority, a notary public in and for said County in said State, hereby certify that DEBORAH MILEY, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 7<sup>th</sup> day of May, 2011.

s/ Charlene Isbell

Notary Public

My Commission Expires: 1/4/12

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 2500 - 11**

**WHEREAS**, Deborah Miley, hereinafter referred to as Petitioner is the owner of a lots 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, & 116 in a subdivision known as HIGHLAND PARK SUBDIVISION, abutting the alleyways, or portions thereof, hereinafter described with particularity; said Petitioner being desirous of vacating said alleyway, or portions thereof, presented his signed Petition of Vacation of said alleyway in said subdivision, to the City Council of the City of Muscle Shoals, Alabama for its consideration, assent and approval, said property being more particularly described herein; and



**WHEREAS**, the Petitioner, as the owner of the property abutting the said portions of the streets and alleyways, or portions thereof, to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of said public alley within the City of Muscle Shoals, Alabama, and

**WHEREAS**, the City Council of the City of Muscle Shoals, Alabama, has determined that 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 alleyway, or portions thereof, is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys 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 the same is hereby given and granted to the vacation of the portion of the alleyway being more fully described as follows:

**The east half of the alley between lots numbered 185 AND 216 and lots numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, & 116, Highland Park Subdivision plat number 1 as the same appears of record in the office of the Judge of Probate of Colbert County Alabama in map book 1, page 57. Subject to a 9 foot utility and drainage easement reserved by the City of Muscle Shoals along the east side of said alley as it abuts lots 105 through 110 inclusive and the north 10 feet of lot 111.**

**BE IT FURTHER RESOLVED** that the Mayor of the City be authorized to execute and deliver a quitclaim deed, same to be attested by the City Clerk, conveying all of the City's right, title and interest in said alleyway, or portions thereof, as herein described, unto the Petitioner, Deborah Miley.

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Council Member Noles seconded the motion and upon said motion being put to a vote, a roll call vote was had as follows:

AYES: Council Member Pampinto, Council Member Grissom,  
Council Member Holland, Council Member Noles, Mayor Bradford

NAYS: None

Mayor Bradford thereupon declared said motion carried and that the Resolution had been approved.

Mayor Bradford announced that the next item of business was to reschedule the June Council meetings.

Council Member Grissom moved that the dates be set for Monday, June 13<sup>th</sup> and Tuesday, June 28<sup>th</sup> at the regular times and places. Council Member Noles seconded the motion and upon said motion being put to a vote, all voted aye and the nays were none.

Mayor Bradford thereupon declared said motion had been approved.

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

CITY OF MUSCLE SHOALS, ALABAMA  
a Municipal Corporation

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MAYOR

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK