

STATE OF ALABAMA )

JEFFERSON COUNTY )

**PETITION FOR VACATION OF CERTAIN ROADS**

**WHEREAS**, the undersigned, Evson, Inc., an Alabama corporation (the "**Owner**"), is the owner of all lands shown on that certain Map of Dedication (subject to the rights of way described therein) recorded in Map Book 120, Page 34, as recorded in the Office of the Judge of Probate of Jefferson County, Alabama, a copy of which is attached hereto as **Exhibit A** hereto (the "**Map of Dedication**"); and

**WHEREAS**, the lands shown on the Map of Dedication (including the rights of way) shall be collectively referred to herein as the "**Park Lane Parcel**"; and

**WHEREAS**, Park Lane Apartments, Inc., an Alabama corporation and predecessor in interest to the Owner, owned all of the Park Lane Parcel prior to the dedication to the public of the rights of way over and across the Park Lane Parcel pursuant to the Map of Dedication; and

**WHEREAS**, Park Lane Apartments, Inc., merged into the Owner pursuant to those certain Articles of Merger effective as of February 21, 1995, and recorded in Book 9502, Page 8696 in the Office of the Judge of Probate of Jefferson County, Alabama; and

**WHEREAS**, the Owner desires to vacate all of the following interior streets, roads, alleys, rights of way and real property (collectively referred to as the "**Interior Park Lane Roads**");

All of those certain streets, service roads, alleys, and other rights of way that are identified by crosshatched markings on **Exhibit B** attached hereto, including specifically, but without limitation, Park Lane Court North, Park Lane Circle, Park Lane Court East, Park Lane Court South, and those other unnamed interior service roads, alleys, and public rights of way shown by crosshatched markings on **Exhibit B** hereto; and

All of those interior streets, service roads, alleys and public rights of way situated on the following described real property within the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18 South, Range 2 West, Huntsville Meridian, Jefferson County, Alabama:

Main Roads:

Commence from the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 446.39 feet to the Point of Beginning of the centerline of a road approximately 28 feet in width; thence right  $91^{\circ} 01' 37''$  along the

centerline of said road a distance of 882.56 feet; thence left  $90^{\circ} 00' 00''$  a distance of 26.67 feet to the center of a cul-de-sac with a radius of 39 feet to the existing edge of paving and the end of said road.

Commence from the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 446.39 feet; thence right  $91^{\circ} 01' 37''$  a distance of 824.99 feet; thence right  $89^{\circ} 08' 38''$  a distance of 14 feet to the Point of Beginning of the centerline of a road approximately 28 feet in width; thence continue in a straight line a distance of 137.36 feet to the center of a cul-de-sac with a radius of 39 feet to the existing edge of paving and the end of said road.

Commence from the Northwest Corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18 South, Range 2 West; thence South along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 162.78 feet to the Point of Beginning of the centerline of a road approximately 28 feet in width; thence left  $88^{\circ} 57' 44''$  a distance of 360.70 feet to the tangent of a curve to the left having a delta of  $91^{\circ} 12' 51''$  and a radius of 50.00 feet; thence along the arc of said curve a distance of 79.60 feet; thence continue from the tangent of said curve a distance of 544.24 feet to the end of said road.

#### Service Roads:

Commence from the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 655.02 feet; thence right  $91^{\circ} 17' 27''$  a distance of 929.23 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width and the tangent of a curve to the right having a delta of  $42^{\circ} 32' 41''$  and a radius of 65.06 feet; thence along the arc of said curve a distance of 48.31 feet; thence from the tangent of said curve a distance of 114.24 to the end of said road.

Commence from the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 446.39 feet; thence right  $91^{\circ} 01' 37''$  a distance of 160.50 feet; thence right  $88^{\circ} 54' 28''$  a distance of 14 feet to the Point of Beginning of a centerline of a road approximately 16 feet in width; thence continue along said road a distance of 67.45 feet to a curve to the left having a delta of  $37^{\circ} 26' 10''$  and a radius of 12.00 feet; thence along the arc of said curve a distance of 7.84 feet; thence from the tangent of said curve a distance of 48.65 feet to the tangent of a curve to the right having a delta of  $37^{\circ} 29' 45''$  and a radius of 12.00 feet; thence along the arc of said curve a

distance of 7.85 feet; thence from the tangent of said curve a distance of 352.02 feet to the tangent of a curve to the right having a delta of 45° 00' 19" and a radius of 12.00 feet; thence along the arc of said curve a distance of 9.43 feet; thence from the tangent of said curve a distance of 37.47 feet to the tangent of a curve to the left having a delta of 44° 44' 23" and a radius of 12.00 feet; thence along the arc of said curve a distance of 9.37 feet; thence from the tangent of said curve a distance of 65.17 feet to the end of said road.

Commence from the Southwest Corner of the Northeast ¼ of the Northwest ¼ of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said ¼-¼ a distance of 446.39 feet; thence right 91° 01' 37" a distance of 627.62 feet; thence right 89° 33' 14" a distance of 14.00 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width; thence continue in a straight line a distance of 52.36 feet to the tangent of a curve to the right having a delta of 49° 34' 48" and a radius of 16.00 feet; thence along the arc of said curve a distance of 13.84 feet; thence from the tangent of said curve a distance of 194.52 feet to the tangent of a curve to the left having a delta of 89° 01' 17" and a radius of 43.00 feet; thence along the arc of said curve a distance of 66.81 feet; thence from the tangent of said curve a distance of 151.69 feet to the tangent of a curve to the left having a delta of 91° 18' 23" and a radius of 38.00 feet; thence along the arc of said curve a distance of 60.56 feet; thence from the tangent of said curve a distance of 265.55 feet to the end of said road.

Commence from the Southwest Corner of the Northeast ¼ of the Northwest ¼ of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said ¼-¼ a distance of 446.39 feet; thence right 91° 01' 37" a distance of 825.53 feet; thence left 89° 47' 50" a distance of 14.00 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width; thence continue in a straight line a distance of 191.46 feet to the end of said road.

Commence from the Southwest Corner of the Northeast ¼ of the Northwest ¼ of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said ¼-¼ a distance of 446.39 feet; thence right 91° 01' 37" a distance of 409.90 feet; thence right 88° 47' 47" a distance of 302.55 feet; thence left 88° 32' 48" a distance of 14.00 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width; thence continue in a straight line a distance of 169.72 feet to the end of said road.

Commence from the Northwest Corner of the Southeast ¼ of the Northwest ¼ of Section 8, Township 18 South, Range 2 West; thence South along the West line of said ¼-¼ a distance of 162.78 feet; thence

left  $88^{\circ} 57' 44''$  a distance of 101.91 feet; thence right  $89^{\circ} 03' 54''$  a distance of 14.00 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width; thence continue in a straight line a distance of 145.48 feet; thence left  $89^{\circ} 59' 48''$  a distance of 327.78 feet to a curve to the left having a delta of  $45^{\circ} 26' 46''$  and a radius of 57.00 feet; thence along the arc of said curve a distance of 45.21 feet; thence continue along the tangent of said curve a distance of 142.09 feet to the tangent of a curve to the left having a delta of  $45^{\circ} 44' 38''$  and a radius of 57.00 feet; thence continue along the arc of said curve a distance of 45.51 feet; thence from the tangent of said curve a distance of 298.72 feet to the end of said road.

Commence from the Northwest Corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18 South, Range 2 West; thence South along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 162.78 feet; thence left  $88^{\circ} 57' 44''$  a distance of 101.91 feet; thence right  $89^{\circ} 03' 54''$  a distance of 159.58 feet; thence left  $89^{\circ} 59' 48''$  a distance of 277.09 feet; thence left  $91^{\circ} 25' 55''$  a distance of 8.00 feet to the Point of Beginning of the centerline of a road approximately 16 feet in width; thence continue in a straight line a distance of 140.92 feet to the end of said road.

Commence from the Northwest Corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18 South, Range 2 West; thence South along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 162.78 feet; thence left  $88^{\circ} 57' 44''$  a distance of 101.91 feet; thence right  $89^{\circ} 03' 54''$  a distance of 159.58 feet; thence left  $89^{\circ} 59' 48''$  a distance of 327.78 feet to a curve to the left having a delta of  $45^{\circ} 26' 46''$  and a radius of 57.00 feet; thence along the arc of said curve a distance of 45.21 feet; thence continue along the tangent of said curve a distance of 142.09 feet to a curve to the left having a delta of  $45^{\circ} 44' 38''$  and a radius of 57.00 feet; thence continue along the arc of said curve a distance of 45.51 feet; thence from the tangent of said curve a distance of 4.95 feet; thence left  $69^{\circ} 03' 02''$  a distance of 8.57 feet to the Point of Beginning of the centerline of a road having an approximate width of 16 feet; thence continue in a straight line a distance of 166.44 feet to the end of said road.

Commence from the Southwest Corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Township 18, South, Range 2 West, Huntsville Meridian, thence run North along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 446.39 feet; thence right  $91^{\circ} 01' 37''$  a distance of 825.53 feet; thence right  $88^{\circ} 38' 33''$  a distance of 97.02 feet; thence left  $88^{\circ} 51' 09''$  a distance of 8.00 feet to the Point of Beginning of the centerline of a road having an approximate width of 16 feet; thence continue along said road a distance of 118.00 feet to the end of said road.

**WHEREAS**, the Owner is the only owner of all of the land abutting the Interior Park Lane Roads; and

**WHEREAS**, such vacation will not deprive any property owners whose lands abut, adjoin or are in close proximity to the Park Lane Parcel of a convenient and reasonable means of ingress and egress to their property; and

**WHEREAS**, the City of Mountain Brook has previously approved a PUD plan that includes and encompasses all of the Park Lane Parcel; and

**WHEREAS**, the PUD plan provides for the redevelopment of the Park Lane Parcel, including, but not limited to, the replacement of the current Interior Park Lane Roads with new and different roads; and

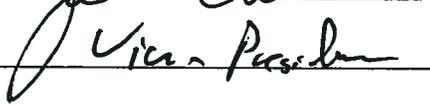
**WHEREAS**, in order to proceed with the development of the Park Lane Parcel as set forth in the approved PUD plan, the Interior Park Lane Roads need to be vacated; and

**WHEREAS**, no person or entity will be affected by the vacation of the Interior Park Lane Roads.

**NOW, THEREFORE**, the Owner does hereby, pursuant to and in accordance with the provisions of Section 23-4-20 of the Alabama Code of 1975, joins in and submits this written petition for vacation of the Interior Park Lane Roads, and the same being within the city limits of the Mountain Brook, Alabama, does hereby pray and request the assent of the City Council of Mountain Brook, Alabama, to the vacation of the Interior Park Lane Roads, and its approval of the same.

IN WITNESS WHEREOF, the Owner has hereto set its signature and seal on the date of the acknowledgment of the Owner's signature below, to be effective as of August 22, 2012.

OWNER  
EVSON, INC., an Alabama corporation

By:   
Its: 

STATE OF ALABAMA

COUNTY OF JEFFERSON

Before me, the undersigned, a Notary Public in and for said county in said state, hereby certify that John T Evans, whose name as Vice-President of Evson, Inc., an Alabama corporation, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said corporation.

Given under my hand and official seal this 22 day of August, 2012.



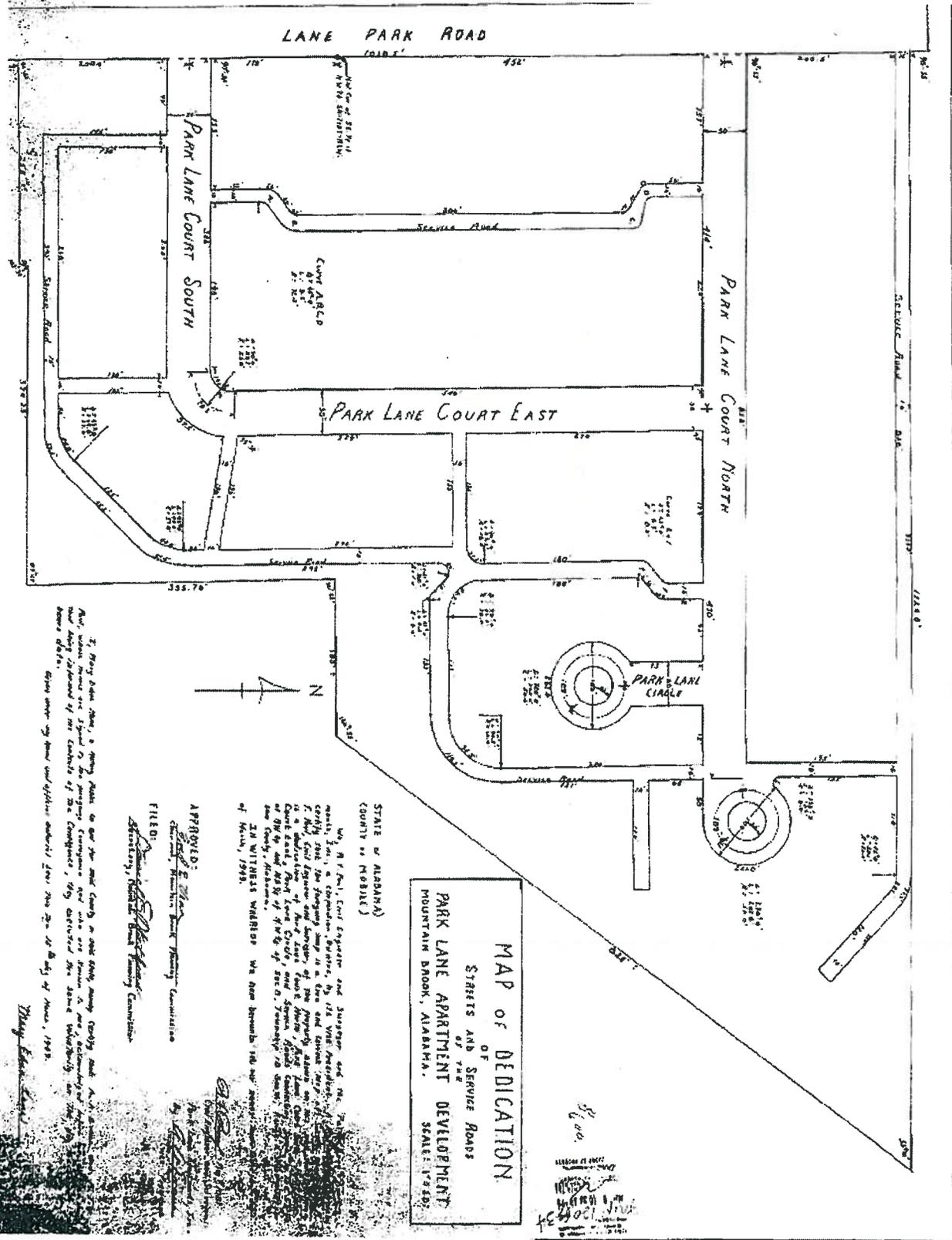
---

Notary Public

My Commission Expires: MY COMMISSION EXPIRES JANUARY 27, 2015

[NOTARIAL SEAL]

**EXHIBIT A**



**MAP OF DEDICATION**  
 OF  
 STREETS AND SERVICE ROADS  
 OF THE  
 PARK LANE APARTMENT DEVELOPMENT  
 MOUNTAIN BROOK, ALABAMA.  
 SCALE: 1"=50'

STATE OF ALABAMA  
 COUNTY OF MOBILE

APPROVED:  
 \_\_\_\_\_  
 Secretary, Mountain Brook Planning Commission

FILED:  
 \_\_\_\_\_  
 Secretary, Mobile County Planning Commission

I, Mary Ellen Stone, a Notary Public for the State of Alabama, do hereby certify that the foregoing map was duly filed for record in the office of the Notary Public for the County of Mobile, Alabama, on this 15th day of March, 1948, and that the same was duly recorded in the office of the Notary Public for the County of Mobile, Alabama, on this 15th day of March, 1948.

