

ELMORE COUNTY HIGHWAY DEPARTMENT

155 COUNTY SHOP ROAD • WETUMPKA, ALABAMA 36092

PHONE (334)567-1162 • FAX (334)567-1100

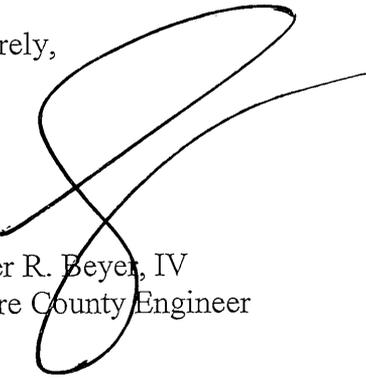
July 22, 2015

Re: Proposed Road Vacation

To Whom It May Concern,

This shall serve as notice that the Elmore County Commission has set a Public Hearing on September 14, 2015, at 5:00 p.m. at the Elmore County Courthouse to consider the proposed vacation of Bellingrath Road as shown on the attached petition and survey. Should you have any questions please feel free to contact our office at (334) 567-1162.

Sincerely,



Walter R. Beyer, IV
Elmore County Engineer

**DECLARATION OF VACATION
OF A PORTION OF BELLINGRATH ROAD
IN ELMORE COUNTY, ALABAMA**

WHEREAS, we the undersigned, Elmore I. DeMott, individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008, and Samuel H. Frazier, Executor of the Estate of Charles H. Chichester, Jr., separately and severally, are the owners of all property abutting Bellingrath Road from its intersection with Rucker Road to the line dividing the property of the Estate of Charles H. Chichester, Jr. from the property of the Elmore B. Inscoe Huntington Residence Trust Agreement and Elmore I. DeMott, in the County of Elmore, Alabama, a map of which street is attached hereto and made a part hereof; and

WHEREAS, the property is not the homestead of any of the above named persons, entities, or trusts; and

WHEREAS, we, the said Elmore I. DeMott, individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008, and Samuel H. Frazier, Executor of the Estate of Charles H. Chichester, Jr., are desirous of vacating that portion of Bellingrath Road extending from Rucker Road to the property line dividing the property of the Estate of Charles H. Chichester, Jr. from the property of the Elmore B. Inscoe Huntington Residence Trust Agreement and Elmore I. DeMott.

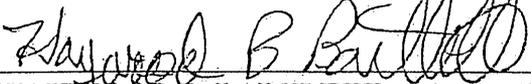
NOW THEREFORE, we, the undersigned Elmore I. DeMott, individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008, and Samuel H. Frazier, Executor of the Estate of Charles

H. Chichester, Jr., owners of all of the land embraced within the boundaries of that portion of Bellingrath Road extending from Rucker Road to the property dividing the property of the Estate of Charles H. Chichester, Jr. from the property of the Elmore B. Inscoc Huntington Residence Trust Agreement and Elmore I. DeMott declare the same above portion of Bellingrath Road to be vacated, and the same is hereby vacated.

We, the said Elmore I. DeMott, individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoc Huntington Residence Trust Agreement dated December 29, 2008, and Samuel H. Frazier, Executor of the Estate of Charles H. Chichester, Jr., do hereby pursuant to and in accordance with the provisions of Section 23-4-20 of the *Alabama Code* (1975), join in the execution of this written vacation of said property of said street which is located within the limits of Elmore County, do hereby pray and request the assent and approval of the Elmore County Commission to said vacation of said road and its approval of the same.

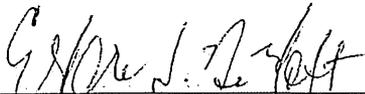
Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

IN WITNESS WHEREOF, we have executed with our hands and seals,



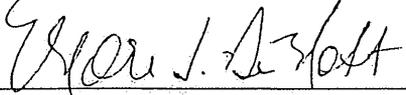
HAYWOOD B. BARTLETT *DD 107117-624-Exp 6-6-16*
As Trustee of the Elmore B. Inscoc Huntington Residence Trust Agreement

6/17/15
DATE



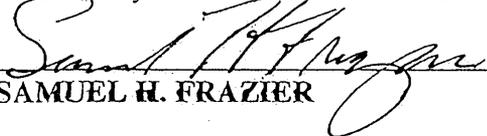
ELMORE I. DEMOTT
As Trustee of the Elmore B. Inscoc Huntington Residence Trust Agreement

6.16.15
DATE



ELMORE I. DEMOTT
Individually

6.16.15
DATE



SAMUEL H. FRAZIER

10-Jun-2015
DATE

As Executor of the Estate of Charles H. Chichester, Jr.

STATE OF ALABAMA,
COUNTY OF Montgomery

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **HAYWOOD B. BARTLETT**, As Trustee of the **Elmore B. Inscoc Huntington Residence Trust Agreement**, whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 17th day of June 2015.

Tammy L. Stricklin
NOTARY PUBLIC
My Commission Expires: My Commission Expires December 30, 2017
(Seal)

STATE OF ALABAMA,
COUNTY OF Elmore

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **ELMORE I. DEMOTT**, As Trustee of the **Elmore B. Inscoc Huntington Residence Trust Agreement**, whose name 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 this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 16 day of June 2015.

Jessica R Burdick
NOTARY PUBLIC
My Commission Expires: 11/5/2017
(Seal)

STATE OF ALABAMA,
COUNTY OF Elmore

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **ELMORE I. DEMOTT**, individually, whose name 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 this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 16 day of June 2015.

Jessie K Burdick
NOTARY PUBLIC
My Commission Expires: 11/5/2017
(Seal)

STATE OF ALABAMA,
COUNTY OF JEFFERSON

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **SAMUEL H. FRAZIER**, As Executor of the Estate of **Charles H. Chichester, Jr.**, whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 10TH day of JUNE 2015.

Mary Fair Ell
NOTARY PUBLIC
My Commission Expires: 7-21-15
(Seal)

This Document Prepared by:
Keith A. Howard (HOW017)
Law Office of Keith A. Howard, L.L.C.
102 South Boundary Street
Wetumpka, Alabama 36092
Telephone: (334) 567-4356
Facsimile: (334) 567-7080

COPY

STATE OF ALABAMA,
COUNTY OF ELMORE

PETITION TO VACATE PART OF BELLINGRATH ROAD

Comes now Elmore I. DeMott individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008, and Samuel H. Frazier, Executor of the Estate of Charles H. Chichester, Jr., and petition the County Commission to vacate and/or close that portion of Bellingrath Road from its intersection with Rucker Road to the line dividing the property of the Estate of Charles H. Chichester, Jr. from the property of the Elmore B. Inscoe Huntington Residence Trust Agreement and Elmore I. DeMott. As grounds for said Petition, the above named persons and Trust show the Commission as follows:

1. They are the owners of all of the property abutting Bellingrath Road from its intersection with Rucker Road to the property line dividing the property of the Estate of Charles H. Chichester, Jr., from the property of the Elmore B. Inscoe Huntington Residence Trust Agreement and Elmore I. DeMott.

2. The vacation of the portion of Bellingrath Road listed above will not deprive other property owners of a convenient and reasonable means on ingress and egress to their property.

3. That all utility companies known to have facilities and/or equipment above the ground or buried beneath the ground within the public right-of-way of said portion of Bellingrath Road have been notified.

4. Attached to this Petition is the Declaration of Vacation signed by the owners of the property abutting said portion of Bellingrath Road.

5. A copy of a map showing the Road and the property adjacent to the road is attached hereto and made a part hereof.

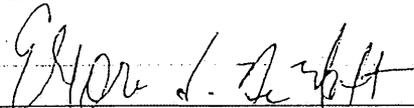
WHEREFORE, the undersigned requests the following relief:

- (a) That the Elmore County Commission set this matter for a public hearing at a date no later than one hundred days from the date of the filing of this petition;
- (b) That the public hearing be conducted pursuant to Section 36-25A-3 *Code of Alabama* (1975);
- (c) That a copy of the notice of said hearing be served on each abutting landowner at least thirty days prior to the date of the hearing;
- (d) That the Commission give further notice to all utility companies having facilities above or below the right-of-way of said road;
- (e) That the County Commission enter a decree and/or resolution vacating said portion of Bellingrath Road; and
- (f) Grant the Petitioners any and all other relief to which they may be entitled.

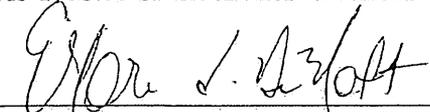
Executed with our hands and seals,


HAYWOOD B. BARTLETT WY 107117-424 Exp 6-6-16
As Trustee of the Elmore B. Inscoc Huntington Residence Trust Agreement

6/17/15
DATE


ELMORE I. DEMOTT
As Trustee of the Elmore B. Inscoc Huntington Residence Trust Agreement

6.16.15
DATE


ELMORE I. DEMOTT
Individually

6.16.15
DATE

Samuel H. Frazier
SAMUEL H. FRAZIER
As Executor of the Estate of Charles H. Chichester, Jr.

10 June 2015
DATE

STATE OF ALABAMA,
COUNTY OF Montgomery

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that HAYWOOD B. BARTLETT, As Trustee of the Elmore B. Inscoe Huntington Residence Trust Agreement, whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 17th day of JUNE 2015.

Tammy L. Sticklin
NOTARY PUBLIC My Commission Expires December 30, 2017
My Commission Expires: _____
(Seal)

STATE OF ALABAMA,
COUNTY OF Elmore

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that ELMORE I. DEMOTT, As Trustee of the Elmore B. Inscoe Huntington Residence Trust Agreement, whose name 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 this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 16 day of June 2015.

Jessica K Burdick
NOTARY PUBLIC
My Commission Expires: 11/5/2017
(Seal)

STATE OF ALABAMA,
COUNTY OF Elmore

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **ELMORE I. DEMOTT**, individually, whose name 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 this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand this 16 day of June 2015.

Jessica K Burdick

NOTARY PUBLIC

My Commission Expires: 11/5/2017

(Seal)

STATE OF ALABAMA,
COUNTY OF JEFFERSON

I, the undersigned Notary Public for the State of Alabama at Large, hereby certify that **SAMUEL H. FRAZIER**, As Executor of the Estate of Charles H. Chichester, Jr., whose name 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 10TH day of JUNE 2015.

Mary Fair Eell

NOTARY PUBLIC

My Commission Expires: 7-21-15

(Seal)

This Document Prepared by:
Keith A. Howard (HOW017)
Law Office of Keith A. Howard, L.L.C.
102 South Boundary Street
Wetumpka, Alabama 36092

Telephone: (334) 567-4356
Facsimile: (334) 567-7080



CHICHESTER C H JR

BARRETT SASAN

LEZBETTER ARVIDE

WALLET LLC

CHICHESTER LUNAR

REGIONS BANK AS TRUSTEE

REGIONS BANK AS TRUSTEE

REGIONS BANK AS TRUSTEE

REGIONS BANK AS TRUSTEE

LAWRENCE C & M HEIRS OF GILL ADELL HEIRS OF GILL JAMES

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WATKINS CHARLES EDWIN JR

DANK SULLAN R

DREWITT ELMORE

RUCKER RD

GILL RD

BELLINGRATH RD

LEZBETTER ARVIDE

WALLET LLC

CHICHESTER LUNAR

REGIONS BANK AS TRUSTEE

REGIONS BANK AS TRUSTEE

STATE OF ALABAMA,
COUNTY OF ELMORE

AMENDED PETITION TO VACATE PART OF BELLINGRATH ROAD

Comes now Elmore I. DeMott individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008, by and through their attorney of record, Keith A. Howard, and hereby amends the petition to vacate part of Bellingrath Road by showing the following:

1. The previously filed petition described the portion of Bellingrath Road to be vacated as "portion of Bellingrath Road from its intersection with Rucker Road to the line dividing the property of the Estate of Charles H. Chichester, Jr. from the property of the Elmore B. Inscoe Huntington Residence Trust Agreement and Elmore I. DeMott." A legal description of said portion to be vacated is as follows:

Commence at an iron pin at the NW corner of Section 19, T18N, R18E, Elmore County, Alabama; thence South 00 degrees 27 minutes 15 seconds West, along the west line of Section 19, 169.66 feet; thence South 89 degrees 32 minutes 45 seconds East, 151.25 feet to a point on the east right of way of Rucker Road, 80' R.O.W., being in the centerline of Bellingrath Road (60' R.O.W. as shown on tax map), a county gravel road, said point being the POINT OF BEGINNING; thence easterly along centerline of said Bellingrath Road, the following seven (7) calls: 1) southeasterly along a curve to the right having a radius of 441.22 feet, 313.93 feet, chord being South 62 degrees 20 minutes 51 seconds East, 307.35 feet to the "PT" of said curve; 2) South 41 degrees 36 minutes 18 seconds East, 1044.88 feet, 3) to the "PC" of a curve to the left having a radius of 133.53 feet, 185.39 feet, chord being South 86 degrees 28 minutes 14 seconds East, 170.86 feet to the "PT" of said curve; 4) North 50 degrees 44 minutes 35 seconds East, 266.74 feet, 5) to the "PC" of a curve to the right having a radius of 346.34 feet, chord being North 67 degrees 57 minutes 32 seconds East, 135.69 feet to the "PT" of said curve; 6) North 83 degrees 55 minutes 27 seconds East, 698.72 feet; 7) North 80 degrees 31 minutes 47 seconds East, 307.71 feet.

The above-described centerline description is 2,953.94 feet in length, being in the N ½ of the NW ¼ of Section 19, T18N, R18E, Elmore County, Alabama.

A copy of a survey of said portion to be vacated is attached hereto as Exhibit A.

2. There are no mortgages on the property adjoining/abutting the portion of the road to be vacated. Thus, there are no mortgages affecting the property.

LAW OFFICE OF KEITH A. HOWARD, LLC

Attorney for Elmore I. DeMott individually, Haywood B. Bartlett and Elmore I. DeMott as Trustees of the Elmore B. Inscoe Huntington Residence Trust Agreement dated December 29, 2008

By: 

OF COUNSEL:

Keith A. Howard (HOW017)
102 South Boundary Street
Wetumpka, Alabama 36092
Telephone: (334) 567-4356
Facsimile: (334) 567-7080

BELLINGRATH ROAD - VACATE RIGHT OF WAY SURVEY

ELMORE COUNTY ALABAMA

CENTERLINE DESCRIPTION OF THE PORTION OF BELLINGRATH ROAD TO BE VACATED BY ELMORE COUNTY:

Commence at an iron pin at the NW corner of Section 19, T18N, R18E, Elmore County, Alabama; thence South 00 degrees 27 minutes 15 seconds West, along the west line of Section 19, 169.66 feet; thence South 89 degrees 32 minutes 45 seconds East, 151.25 feet to a point on the east right of way of Rucker Road, 80' R.O.W., being in the centerline of Bellingrath Road (60' R.O.W. as shown on tax map), a county gravel road, said point being the POINT OF BEGINNING; thence easterly along centerline of said Bellingrath Road, 304.35 feet to the "PI" of said curve; 1) southeasterly along a curve to the right having a radius of 441.22 feet, 313.93 feet, chord being South 62 degrees 20 minutes 31 seconds West, 304.35 feet to the "PI" of said curve; 2) South 41 degrees 18 minutes 18 seconds East, 1044.88 feet, 3) to the 170° of a curve to the left having a radius of 170.88 feet, 170.88 feet, chord being South 88 degrees 28 minutes 14 seconds East, 170.88 feet; 4) North 90 degrees 44 minutes 35 seconds East, 288.74 feet, 5) to the "PI" of a curve to the right having a radius of 346.34 feet, chord being North 67 degrees 37 minutes 32 seconds East, 155.69 feet to the "PI" of said curve; 6) North 83 degrees 55 minutes 27 seconds East, 698.72 feet; 7) North 80 degrees 31 minutes 47 seconds East, 307.71 feet.

The above-described centerline description is 2,953.94 feet in length, being in the N 1/4 of the NW 1/4 of Section 19, T18N, R18E, Elmore County, Alabama.

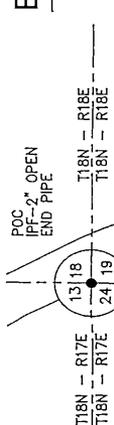
STATE OF ALABAMA }
ELMORE COUNTY }

I, Ronald Burke, a licensed land surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

According to my survey this the 24th day of June, 2015.

R. Burke

Ronald Burke - Alabama License No. 16670



CURVE DATA:
CH = 582.2051'E
CH = 307.35'
R = 441.22'
L = 313.93'

CURVE DATA:
CH = 170.88'E
R = 170.88'
L = 170.88'

LEGEND

- IRON PIN FOUND
- (1/2" CAPPED REBAR REG.#16670)
- IRON PIN SET REBAR REG.#16670)
- ▲ CALCULATED POINT
- CONCRETE MONUMENT FOUND
- ⊙ CORNER POST
- ⊗ WIRE FENCE
- ⊕ UTILITY POLE
- PAB-- POWER LINE ABOVE
- () PLAT/DEED BEARING/DISTANCE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R.O.W. RIGHT OF WAY
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- ⊕ PROpane GAS TANK

*N007'15"E AS SHOWN ON SURVEY
B.F. BURKE DATED 11/29/10

TOTAL LENGTH OF ROAD TO BE VACATED IS 2,953.94 FEET.

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

RON BURKE SURVEYING
2300 U.S. HWY. 90
MONTICELLO, ALABAMA 35767-2185
TELEPHONE 334/667-2185

DATE: 06/24/15
CHECKED BY: R.B. JCS FILE: 15-160
CREW CHIEF: R.B. JCS NO. 15-160