

**Vestavia Hills
City Council Agenda
June 24, 2019
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Phillips; Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Presentation – Child Care Resources, Morgan Emahiser, Director of Development and Jill Hoops, Development and Communications Coordinator
7. City Manager’s Report
8. Councilors’ Reports
9. Approval Of Minutes – June 10, 2019 (Regular Meeting)

Old Business

10. Resolution Number 5162 - Vacation Of A Sanitary Sewer Easement On Lots 8 And 9, Overton Cove South; Overton Investments, LLC (*public hearing*)
11. Ordinance Number 2851 – Rezoning – 1109 Winward Lane; Lots 9 & 10, Block 1, TH Payne Subdivision; Rezone From VH R-2 (Medium Density Residential District) To Vestavia Hills R-9 (Planned Residential District); Paul And Gail Ausbeck, Owners (*public hearing*)
12. Ordinance Number 2852 – Rezoning – 3038 Massey Road; A Portion Of Vestavia Terrace, A Condominium; Rezone From VH RC-1 (Condominium Residential District) To Vestavia Hills R-9 (Planned Residential District); Overton Investments, LLC, Owners (*public hearing*)

New Business

13. Ordinance Number 2855 - An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Amendment To Agreement With Jefferson County Regarding Maintenance Of Select Roadways Within The Municipality

New Business (Requesting Unanimous Consent)

First Reading (No Action To Be Taken At This Meeting)

14. Citizen Comments

15. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JUNE 10, 2019

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Ashley C. Curry
Rusty Weaver, Mayor Pro-Tem
Kimberly Cook, Councilor
Paul Head, Councilor

MEMBERS ABSENT:

George Pierce, Councilor

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, Finance Director
George Sawaya, Asst. Finance Director
Johnny Evans, Police Captain
Brian Davis, Public Services Director
Marvin Green, Fire Chief
Keith Blanton, Building Official
Brian Davis, Public Services Director

Butch Williams; Vestavia Hills Senior Chaplain and Pastor of Care and Support Ministries, Vestavia Hills United Methodist Church, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mrs. Cook welcomed Dr. Todd Freeman, Superintendent of Vestavia Hills City Schools and Representative David Wheeler, District 47.
- Mr. Head recognized Park Board member, Mitch Bevill and Park Board President, Kirk McCulley.
- The Mayor congratulated the six-and-under baseball team that won the GBBA championship. He stated that his son was the coach and two of his grandchildren are on the team.

PRESENTATION – EXCEPTIONAL FOUNDATION

Tricia Kirk, Director of the Exception Foundation, thanked the Mayor and Council for past and continued support. She recited the numbers of their organization with approximately 708 participants and 271 participating in summer camp. Ninety-seven of those were Vestavia Hills residents. She stated they serve more Vestavia Hills children than any other participating City. She stated that several other locations were begun in many cities, all patterned after this location.

PROCLAMATION – FLAG DAY – JUNE 14, 2019

The Mayor presented a proclamation designated June 14, 2019 as “Flag Day.” Mr. Downes read the proclamation aloud and the Mayor presented it to Roy Brooks. The Mayor introduced Mr. Brooks and explained that he is known as “the flag guy” because he attends funerals of first responders and presents the flag at a number of City and other events.

CITY MANAGER’S REPORT

- Mr. Downes stated that the Council just finished a work session whereby updates of the Community Spaces Plan were discussed. He stated they began testing pickle ball as a sport in the existing recreational center. He indicated that, since opening, every court has been filled. He stated there is an obvious demand for additional pickle ball programming.
- Mr. Downes thanked Jim Carnes for a donation of \$10,000 for sidewalks in Cahaba Heights. He stated that those funds will be put toward that project once received.

COUNCILOR REPORTS

- Mrs. Cook stated that, last week, a group of local-area councilors and commissioners met to discuss matters of common interest. She stated that the Mountain Brook Mayor has asked RSA to produce a model showing the impact on cities for enactment of the new Tier I/Tier II opt-in. She suggested to the Mayor Welch that he convene a roundtable of local decision-makers to discuss the model once it is received. She indicated that this group has been an effective lobbying group for regional issues.
- Mrs. Cook stated a special called Board of Education meeting was held on June 5. She stated that she was unable to attend but related that the Board approved the following: a two-year probationary contract for Chris Pennington, principal of Pizitz Middle School, and also promoted Aimee Rainey to Assistant Superintendent of Teaching and Learning. Dr. Rainey will assume her position on July 1, following retirement of Asst. Supt. Jane-Marie Marlin.

- Mrs. Cook stated that she had a great meeting with Park Board President, Kirk McCulley, to discuss programming for seniors and she is excited about plans to make full use of the new facilities our Community Spaces projects will provide.
- Mrs. Cook announced that she will be out of the country on mission trips and will miss the next work session, June 17, and regular meeting of July 8.
- Mayor Curry stated that this legislative session was one of the busiest that he has seen. He stated that he continued talks with Jabo Waggoner who indicated that it was probably one of the most intense sessions. He commended Senator Waggoner on his support on legislative issues that might affect the City. He named several including the gas tax, small cell technology, vaping bill and Tier I/Tier II bill.
- Mr. Weaver announced the regular Planning and Zoning Commission meeting to be held Thursday night beginning at 6 PM.
- Mr. Head announced the regular work session of the Parks and Recreation Board to be held this Thursday beginning at 7 AM in the Executive Conference Room.

FINANCIAL REPORTS

Mr. Turner presented the financial reports for the month ending April 2019. He read and explained the financial overview.

APPROVAL OF MINUTES

The minutes of the following meeting were presented for approval: May 13, 2019 (Regular Meeting); May 20, 2019 (Work Session); May 20, 2019 (Regular Meeting).

MOTION Motion to dispense with the reading of the minutes of the May 13, 2019 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes

Motion carried.

MOTION Motion to dispense with the reading of the minutes of the May 20, 2019 (Work Session) and approve them as presented was by Mrs. Cook and second by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes

Motion carried.

MOTION Motion to dispense with the reading of the minutes of the May 20, 2019 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes

Motion carried.

OLD BUSINESS

ORDINANCE NUMBER 2847

Ordinance Number 2847 - Conditional Use Approval For Construction Of A Privacy Fence 9.5' High (At Highest Point) At 1320 Willoughby Road; Lot 8, Block 3, 4th Addition To Vesthaven, 5th Sector (*public hearing*)

MOTION Motion to approve Ordinance Number 2847 was by Mr. Weaver seconded by Mr. Head.

Mr. Weaver reported the Planning and Zoning Commission gave this request a negative recommendation, by unanimous vote.

The Mayor clarified that the Council approved an amendment to allow fences up to 8' in height. He stated a clerical error in the online zoning ordinance made many think the allowable height was 6'. He stated that this request is for a 9.5' fence.

Mr. and Mrs. Eric Brosch, owners of the property, presented a report and pictures of the fence that they are requesting. They stated that only about 25% of the fence will exceed the allowed 8' in order to block a line of sight and flood lights coming from the adjoining property. Mrs. Brosch stated that 70' is the current length of the fence with a 24' section exceeding 8' in height. Mr. Brosch stated this section is located in the central part of the property and is needed because of topography. Mrs. Brosch explained the need for the privacy needed due to neighbors being able to see in their windows and light coming from the flood lights.

Discussion ensued relative to the previous 6' fence located on the property, the erection of the new fencing which was done without a permit by a Lowes contractor, use by that contractor of non-pressure treated lumber and the replacement of the new fencing using pressure-treated lumber after acquisition of a building permit. The owners showed fencing in other locations that is similar to this proposed fencing. The proposed fencing, once replaced, would be stained to be more in keeping with the natural area. The fence would be designed to allow maintenance from the owners' side of the fence, so there'll be no encroachment on the neighbor's property.

Mr. Brosch provided a list of required criteria for approval of the conditional use, showing how their request met or did not meet the requirements.

The Mayor cited the ten items needed for approval of a conditional use—criteria the Council must use to determine whether or not to grant approval of the request. He read each of the items listed within the zoning code. He and the Council discussed the items as read.

Mrs. Cook asked why the Commission voted no on the request.

Mr. Weaver stated that he was not present for that meeting, but understood that the Commission determined, unanimously, that the request didn't meet the criteria.

Mrs. Cook stated that she attended the Council meeting where the allowed height was increased, and understood the primary reason for the increase was to allow great privacy for owners with pools.

The Mayor opened the floor for a public hearing.

David Massey, 1316 Willoughby Road, stated he was the adjacent property owner and urged the Council to reject this request. He stated that there was ample discussion at the Commission and indicated that this request does not meet several of the requirements for approval. He stated he believes the requested fence would be out of character with the neighborhood and would decrease property values. He stated he couldn't find any other conditional use for higher fences, looking back to 2016, which shows there is a community standard not to have fences over 8'.

There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – no	Mr. Head – no
Mr. Weaver – no	Mayor Curry – no
	Motion failed.

NEW BUSINESS

ORDINANCE NUMBER 2853

Ordinance Number 2853 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With HDL Companies D/B/A PREMA Corp For Business License Collections

MOTION Motion to approve Ordinance Number 2853 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated that this supplements efforts to allow discovery/recovery of businesses operating without a license within the City.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes
	Motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

Mayor Curry stated that the next item requires unanimous consent for immediate consideration and action by the Council. He opened the floor for a motion.

MOTION Motion for unanimous consent for the immediate consideration and action of Resolution Number 5163, Ordinance Number 2854 was by Mrs. Cook seconded by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes

Motion carried.

RESOLUTION NUMBER 5163

Resolution Number 5163 – Annexation – 90 Day - Acreage Adjacent To The Former Gresham School; Florence Thompson, Owner (To Be Purchased By The Vestavia Hills Board Of Education For Use Of Satellite Parking) (*public hearing*)

MOTION Motion to approve Resolution Number 5163 was by Mr. Weaver seconded by Mrs. Cook.

Dr. Todd Freeman, Superintendent, explained that the Board of Education has offered to purchase two acres across Gresham Drive from the school property. This will be for satellite parking lot. He stated that a significant amount of parking has been added in the renovations of the facility, but the new property will allow for future parking if it is determined that the parking is needed. He stated that they have negotiated how to be good neighbors through development and landscaping of the proposed satellite parking.

Mrs. Cook stated that the Annexation Committee was not able to meet to discuss this last-minute request, but the City Clerk did gather some information from City Staff. Mrs. Cook gave the report on behalf of Mr. Pierce, the Committee Chair, who was absent from the meeting. She read the information and indicated there was no adverse information found in this annexation request.

The Mayor opened the floor for a public hearing for both Resolution 5163 and Ordinance 2854. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes

Motion carried.

ORDINANCE NUMBER 2854

Ordinance Number 2854- Annexation – Overnight - Acreage Adjacent To The Former Gresham School; Florence Thompson, Owner (To Be Purchased By The Vestavia Hills Board Of Education For Use Of Satellite Parking) (*public hearing*)

MOTION Motion to approve Ordinance Number 2854 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor stated that this is the overnight annexation of the same property.

The Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes
	Motion carried.

MOTION Motion for unanimous consent for the immediate consideration and action of Resolution Number 5164 was by Mr. Weaver seconded by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Weaver – yes	Mayor Curry – yes
	Motion carried.

RESOLUTION NUMBER 5164

Resolution Number 5164 – Accepting A Bid For Cahaba Heights Sports Field Improvement And Authorizing The City Manager To And To Take All Actions Necessary In Order To Secure Said Improvements (*public hearing*)

MOTION Motion to approve Resolution Number 5164 was by Mr. Weaver seconded by Mr. Head.

Ken Upchurch, TCU, explained the results of the bids for the Cahaba Heights fields. He stated that the bids came within budget and they have recommended that alternates 1-4 be also approved which will also allow for synthetic turf on these fields. The contract is for an amount not to exceed \$6,685,800.

The Mayor stated that they are working on these projects as fast as possible and it is important to get contracts approved so construction can start.

Mr. Weaver stated he was glad to see the bids were within budget.

The Mayor opened the floor for a public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes
Mr. Weaver – yes

Mr. Head – yes
Mayor Curry – yes
Motion carried.

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on June 24, 2019, at 6:00 PM.

- Resolution Number 5162 - Vacation Of A Sanitary Sewer Easement On Lots 8 And 9, Overton Cove South; Overton Investments, LLC (*public hearing*)
- Ordinance Number 2851 – Rezoning – 1109 Winward Lane; Lots 9 & 10, Block 1, TH Payne Subdivision; Rezone From VH R-2 (Medium Density Residential District) To Vestavia Hills R-9 (Planned Residential District); Paul And Gail Ausbeck, Owners (*public hearing*)
- Ordinance Number 2852 – Rezoning – 3038 Massey Road; A Portion Of Vestavia Terrace, A Condominium; Rezone From VH RC-1 (Condominium Residential District) To Vestavia Hills R-9 (Planned Residential District); Overton Investments, LLC, Owners (*public hearing*)

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, stated that there appears to be no maintenance program for the sidewalks in the City because there are several broken sections that need to be addressed and are in bad shape. He stated that residents are planting trees against the sidewalks which prevent people from walking on the sidewalks forcing people into the street. He asked that a sidewalk maintenance plan be developed as more sidewalks are constructed.

Mr. Davis asked that these instances be reported through the Action Center. He stated issues are addressed as reported.

Michal Grammas, 300 Granada Drive, and Maggie Klyce, 2111 Chestnut Road, stated that there have been security problems along their street, in a situation which has gotten progressively worse. He asked if the City was aware of the situation. Captain Hardin stated that the VHPD is aware of the situation and are taking the steps needed to access and possibly address the situation. Mr. Grammas stated there are many people in their area that want the situation addressed.

Donald Harwell, 1357 Willoughby Road, commented on the conditional use approval for the fence, discussed previously in the meeting. He stated that he feels these property owners were

dealt a bad hand from Lowes and, had it been done correctly the first time, the fence height would not have been noticed or prohibited. He stated he has seen conditional uses for chickens, in-home businesses, and other uses and feels it is not detrimental to add 1.5' to a fence as a conditional use.

At 7:09 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 7:10 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5162

**A RESOLUTION APPROVING AND ASSENTING TO
DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, A Declaration signed by the owners of all the lands abutting the following described sanitary sewer easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said sanitary sewer easement, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, the sanitary sewer easement above referred to is commonly referred to as “sanitary sewer easement” and is more particularly described as follows:

A 20' sanitary sewer easement to be vacated and situated on Lots 8 and 9 of Cove at Overton South as recorded in Map Book 225 Page 57 in the Office of the Judge of Probate in Jefferson County, Alabama, in the SW 1/4 of the NE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of Lot 9 of Cove at Overton South as recorded in Map Book 225 Page 57 in the Office of the Judge of Probate in Jefferson County, Alabama; thence westerly along the south line of Lot 9 a distance of 47.31 feet to the POINT OF BEGINNING of the centerline of a 20' sanitary sewer easement to be vacated lying 10' to either side of and parallel to described centerline; thence right 89.01'00" leaving the south line of Lot 9 and run northerly along said centerline a distance of 38.41 feet to a point; thence left 85.00'50" and run westerly along said centerline a distance of 40.43 to a point; thence right 84.36'04" and run northerly along said centerline a distance of 121.67 feet to the southerly right-of-way of Overton Cove, the north line of Lot 8, and the END of said centerline.

WHEREAS, it appears to the City Council of the City of Vestavia Hills, Alabama, that convenient and reasonable means of sewer access is afforded to all utilities running through the tract of land embraced in said Survey Plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described sanitary sewer easement is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

RESOLVED, DONE AND ORDERED, on this the 24th day of June, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION

I, the undersigned qualified acting Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 24th day of June, 2019, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

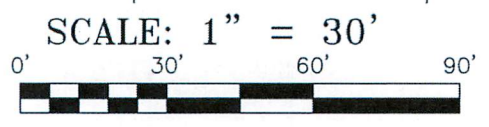
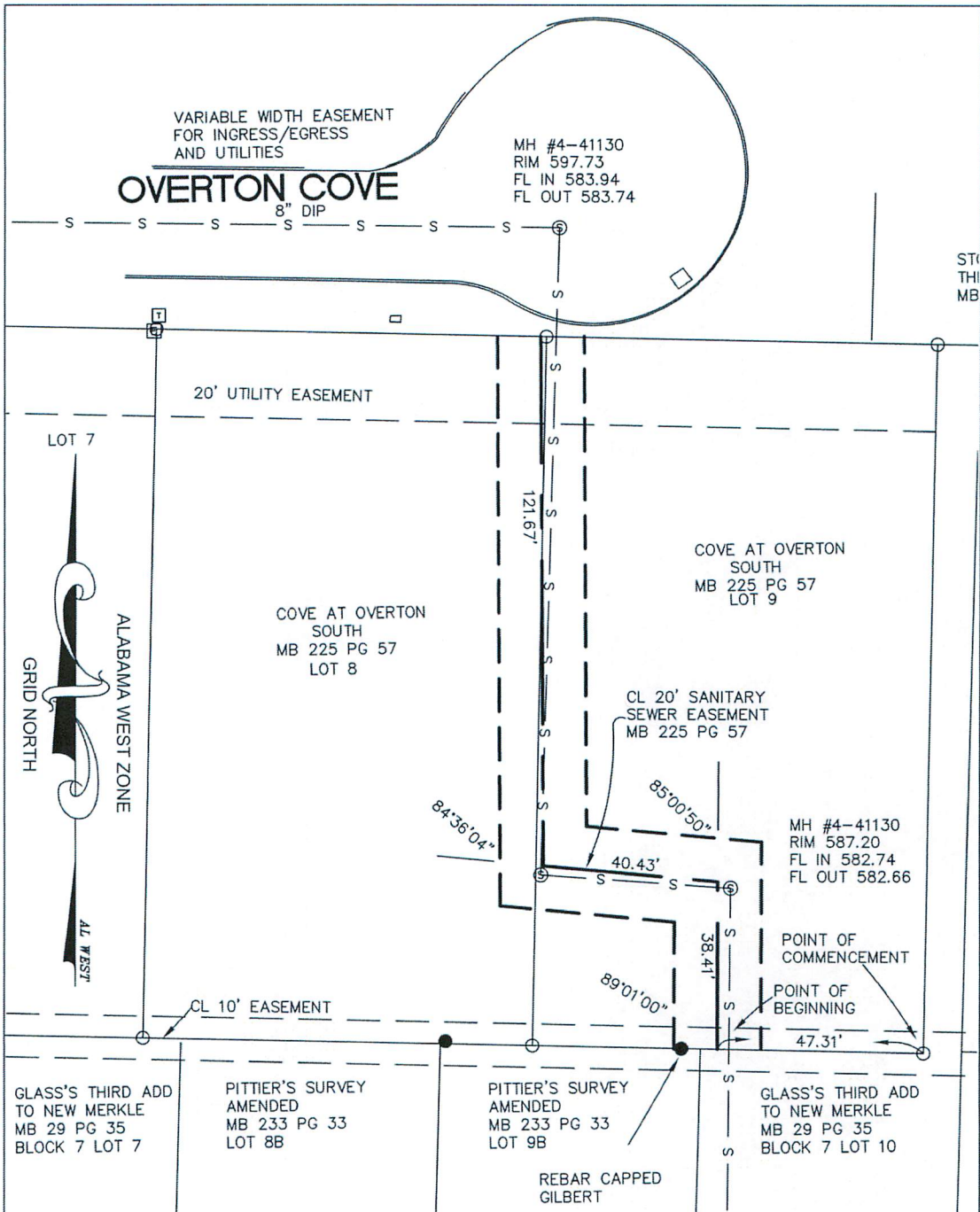


EXHIBIT OF
THE COVE AT OVERTON
SOUTH MB 225 PG 57
20' SANITARY SEWER
EASEMENT
TO BE VACATED

120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
TEL - (205) 403-9158
FAX - (205) 403-9175



JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS – PRESIDENT
LASHUNDA SCALES
SHEILA TYSON
T. JOE KNIGHT
STEVE AMMONS

TONY PETELOS

CHIEF EXECUTIVE OFFICER

ENVIRONMENTAL SERVICES DEPARTMENT
SUITE A300
716 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203
Telephone (205) 325-5496
Fax (205) 325-5981

June 3, 2019

Attention: Rebecca Leavings, City Clerk
The City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, AL 35216

RE: Sanitary Sewer Relocation
The Cove at Overton

Ms. Leavings:

Jefferson County Environmental Services (ESD) has been working with KADCO Homes regarding the relocation of a sanitary sewer main that was installed running through "Lot 9" within "The Cove at Overton Subdivision". At this time, the sewer main has been physically relocated and Jefferson County ESD is awaiting the submittal of an as-built drawing, a television inspection and vacuum testing results from KADCO Homes before final approval will be granted.

All sanitary sewer easements for this development were established by record plat. Therefore, any changes to the recorded easements will need to follow suit with the recording of a new record plat. Jefferson County is agreeable to signing a "new" record plat that vacates the current sewer easement within "Lot 9", while simultaneously establishing the new easement within "Lot 10", once final approval has been granted for the "relocated" sewer main.

Please feel free to contact me at 205-214-8608 if you have any additional questions.

Sincerely,

John A. Crenshaw, Senior Engineering Inspector - Impact Division Administrator
f/s/o Emily Kemp, Chief Civil Engineer - ESD Division Oversight Administrator

**CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO**

June 5, 2019

To: Rebecca Leavings, City Clerk

Cc: Brian Davis, Director of Public Services
Christopher Brady, City Engineer

From: Lori Beth Kearley, Senior Civil Engineer

RE: The Cove at Overton – Sanitary Sewer Easement Vacation

I have reviewed the request to vacate a Sanitary Sewer Easement originally established on Lot 9 and continued between Lots 8 and 9 in the Cove at Overton subdivision. Per documentation from Jefferson County, the sanitary sewer main has been physically relocated from its original location within this easement to a new location. A new easement will be dedicated by plat based on the new physical location of the main.

Based on the information provided, I do not see any engineering concerns with this request and hereby provide favorable recommendation for approval contingent on establishment of new easement via plat.

If you have questions or need additional information, please let me know.

Sincerely,


Lori Beth Kearley

**STATE OF ALABAMA
JEFFERSON COUNTY**

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting Jefferson County Sewer easement as same appears on the Plat of Cove at Overton-South which Plat is recorded in Plat Book 225, at Page 57, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said Jefferson County Sewer easement as the same appears of record on the Plat to be vacated, and said Jefferson County Sewer easement is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of Jefferson County Sewer easement is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that Jefferson County Sewer easement be closed and vacated.

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

4. Jefferson County Sewer easement is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at Cove at Overton - South Final Plat

_____ A copy of the map reflecting the location of Jefferson County Sewer easement is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting Jefferson County Sewer easement and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 3183 Overton Cove
Legal Description: Lot 9 Cove at Overton South
Owners' Name(s): Overton Investments, LLC

B. Street Address: 3187 Overton Cove
Legal Description: Lot 9 Cove at Overton South
Owners' Name(s): Overton Investments, LLC

C. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

D. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

E. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

F. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

6. All of the undersigned do hereby declare Sewer Easement to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of Sewer Easement and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the 3rd day of June, 2019.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)

JKH For: Overton Investments, LLC

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jason Kessler and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

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

Jane B. Richards
Notary Public
my commission expires 3/13/2020

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that _____ and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 20_____.

Notary Public

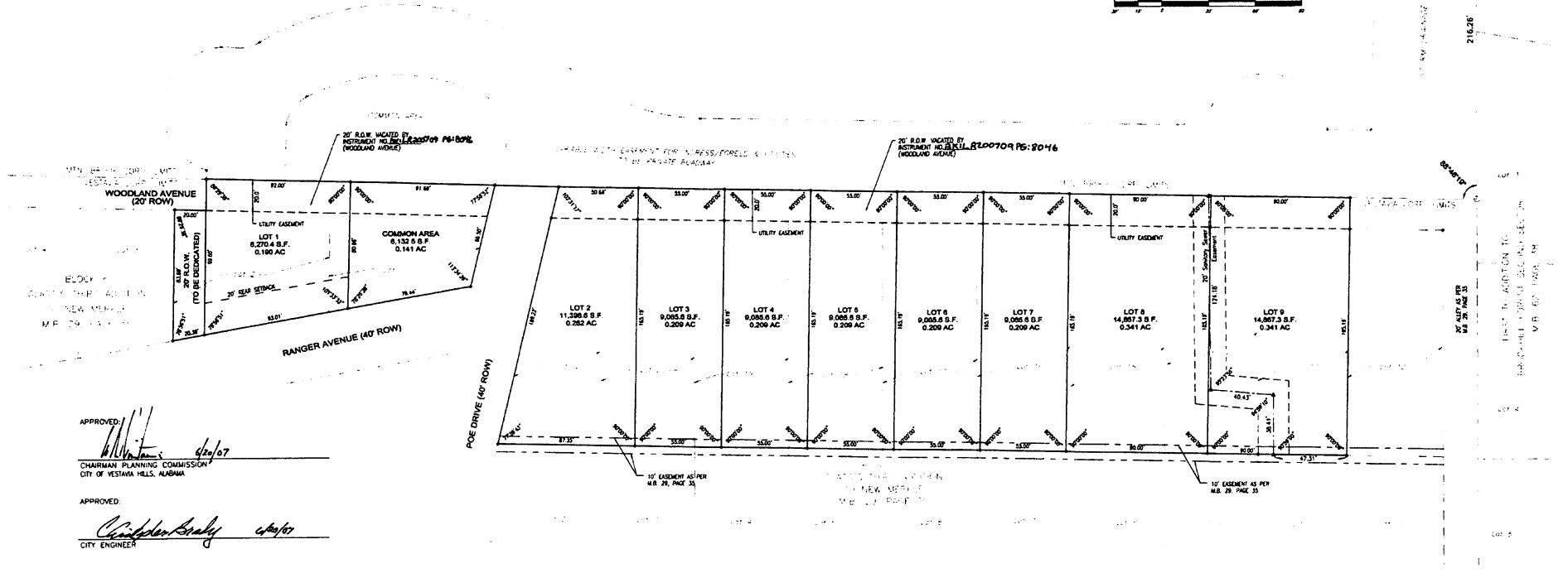
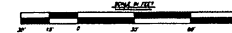


FINAL PLAT FOR

THE COVE AT OVERTON - SOUTH

BEING A RESURVEY OF LOTS 1 & 2, BLOCK 6, OF GLASS'S THIRD ADDITION TO NEW MERKLE, M.B. 29, PAGE 35
AND
BEING A RESURVEY OF LOTS 13 THRU 21, BLOCK 7, OF GLASS'S THIRD ADDITION TO NEW MERKLE, M.B. 29, PAGE 35
SITUATED IN THE SW 1/4 OF THE NE 1/4, SEC. 15, T 18 S, R 2 W
CITY OF VESTAVIA HILLS, ALABAMA

Scale: 1"=30'



APPROVED: 4/20/07
CHAIRMAN PLANNING COMMISSION
CITY OF VESTAVIA HILLS, ALABAMA

APPROVED: 4/20/07
CITY ENGINEER

RESERVATION OF SANITARY SEWER EASEMENT

As a condition for approval of these plans, Jefferson County, a political subdivision of the State of Alabama reserves a sanitary sewer easement within the entirety of the private roadways shown herein to enter upon, keep clear, cross over, and under for the purpose of installing, maintaining and repairing a sanitary sewer pipeline, manholes and all the appurtenances thereto within said easement. In the event that the private roadways shown herein shall become public roads in the future, the easement reserved herein shall not be altered, destroyed or revert to the fee owners, but shall remain in full force and effect. This reservation shall not affect any other sanitary sewer easement more specifically described herein nor is it intended to create a public roadway easement in the private roads shown herein or a duty to maintain said private roads by the county or any municipality. The sole purpose of this reservation is to reserve a sanitary sewer easement in the private roadways shown herein.

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR CURRENT AND FUTURE JEFFERSON COUNTY SANITARY SEWERS. HOWEVER THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGES IN THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

APPROVED: 5/7/07
DIRECTOR JEFFERSON COUNTY ENVIRONMENTAL SERVICES
DATE

APPROVED: 4/20/07
CITY CLERK, VESTAVIA HILLS, ALABAMA

STATE OF ALABAMA
COUNTY OF JEFFERSON

The undersigned, Karl L. Hooper, Surveyor, and ELITE INVESTMENTS, LLC, as Owner LOTS 1 & 2, Block 6, and Lots 13-21, Block 7, and Elizabeth S. Eshleman, as owner Lots 13, 14, and 15, Block 7, hereby certify that this plat or map was made pursuant to a survey made by said surveyor and this plat or map was made at the residence of said owner, that this plat or map is a true and correct map of lands shown therein and known or to be known as The Cove at Overton - South, showing the subdivisions into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys, and public grounds, giving the bearings, length, width and name of each street, and showing the location of the lands to the Government Survey, and that said plat was shown to and approved of all lot corners and curve points as shown and designated by small steel crosses on said plat or map. Said sewer easements, streets, alleys and public grounds as shown by said plat or map.

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the practice of Land Surveying in the State of Alabama to the best of my knowledge, information, and belief.

5/7/07
Karl L. Hooper, SLS
Reg. No. 11564

State of Alabama
Jefferson County

I, MARK S. YORK, as Notary Public in and for said County and State, do hereby certify that Karl L. Hooper, whose name is signed to the foregoing certificate as Surveyor, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such surveyor and with authority thereof.

Given under my hand and seal this 21st day of FEB., 2007.
By: 4/23/07
My Commission Expires March 23, 2007

OWNER, LOTS 13, 14, & 15, Block 7

Elizabeth D. Eshleman

State of Alabama
Jefferson County

I, Elizabeth D. Eshleman, as Notary Public in and for said County and State, do hereby certify that Elizabeth D. Eshleman, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such owner and with authority thereof.

Given under my hand and seal this 21st day of FEB., 2007.

By: Elizabeth D. Eshleman
My Commission Expires

OWNER, LOTS 1 & 2, Block 6
OWNER, LOTS 16 THRU 21, Block 7

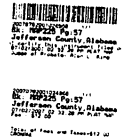
Mark S. York
Notary Public

State of Alabama
Jefferson County

I, Mark S. York, as Notary Public in and for said County and State, do hereby certify that Charles G. Kessler, Jr., whose name is signed to the foregoing certificate as member of Elite Investments, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such owner and with authority thereof.

Given under my hand and seal this 21st day of FEB., 2007.

By: Charles G. Kessler, Jr.
My Commission Expires



HAGER COMPANY, INC.

LAND SURVEYORS & ENGINEERS
1823 2nd AVENUE NORTH
BESSEMER, AL 35020
PH: (205) 229-1738
FAX: (205) 438-0310
HCI JOB NO: 08-046-K

ORDINANCE NUMBER 2851

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-2 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-2 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

1109 Winward Lane
Lots 9 & 10, Block 1, TH Payne Subdivision
Paul and Gail Ausbeck, Owner(s)

BE IT FURTHER ORDAINED, that said zoning is conditioned upon the following conditions:

1. Minimum front setback along Winward Lane shall be 35' thereby amending preliminary drawings to 35' in lieu of the drawn 25'.

APPROVED and ADOPTED this the 24th day of June, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2851 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of June, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: MAY 9, 2019

- **CASE: P-0519-24**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-2 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 1109 Winward Lane
- **APPLICANT/OWNER:** Paul and Gail Ausbeck
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 1109 Winward Lane from R-2 to R-9. The applicant would like to build 2 new single family detached homes. 1109 Winward Ln. already consists of two platted lots. The property is currently vacant. The setbacks for the two homes would be 35’ in the front, 20’ in the rear and 5’ on the sides. There will be a shared sewer easement parallel to Winward Lane leading to Mission Road and an access easement along the rear of lot 9-A.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Weaver made a motion to recommend Rezoning From Vestavia Hills R-2 To Vestavia Hills R-9 for The Property Located At 1109 Winward Lane with the following conditions:

A) Front setback to be set at 35 feet along Winward Ln.
Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Ms. Cobb – yes
Motion carried.

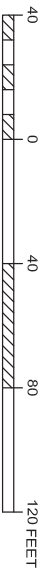
Mr. Sykes – yes
Mr. Weaver– yes
Mr. House – yes



Know what's below.
Call before you dig.

28-00-30-3-006-014.001
ALAN RODGES
1912 Mission Road
Vestavia, AL 35216
USE: Residential

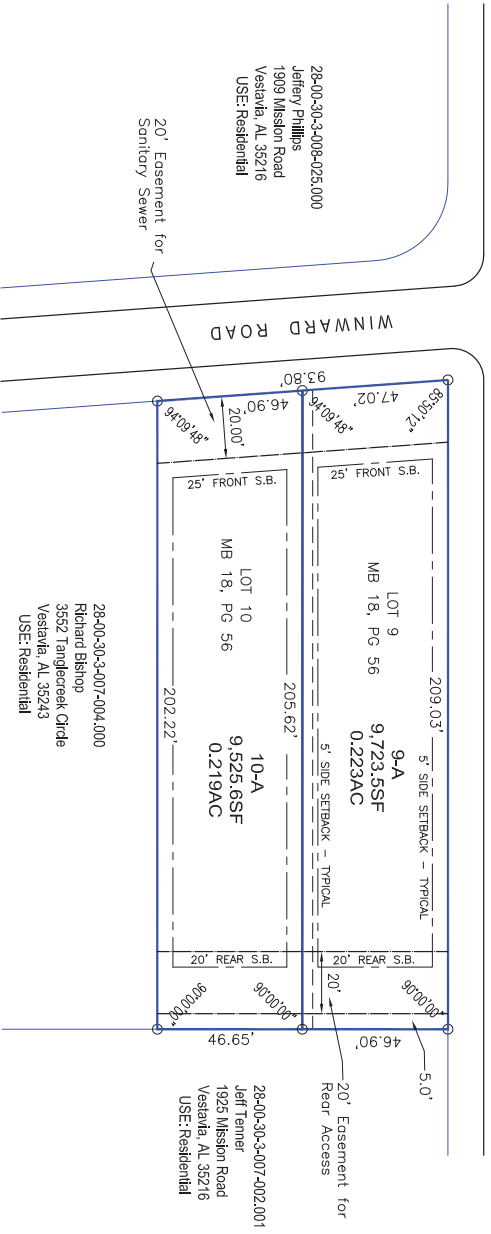
28-00-30-3-006-013.000
Idefonso Ramirez
1920 Mission Road
Vestavia, AL 35216
USE: Residential



SCALE: 1"=40'



MISSION ROAD
50' - R/W



28-00-30-3-008-025.000
Jeffery Phillips
1909 Mission Road
Vestavia, AL 35216
USE: Residential

20' Easement for
Sanitary Sewer

28-00-30-3-007-004.000
Richard Bishop
3852 Tanglecreek Circle
Vestavia, AL 35243
USE: Residential

28-00-30-3-007-002.001
Jeff Turner
1925 Mission Road
Vestavia, AL 35216
USE: Residential

KADCO HOMES, OWNER
1109 WINWARD DRIVE

CURRENT ZONING: R-2

PROPOSED ZONING: R-9

LEGAL DESC: LOT 9 & 10, BLK 1,
(MB 18, PG 56)

PROPOSED USE: 2 SINGLE
FAMILY HOUSES

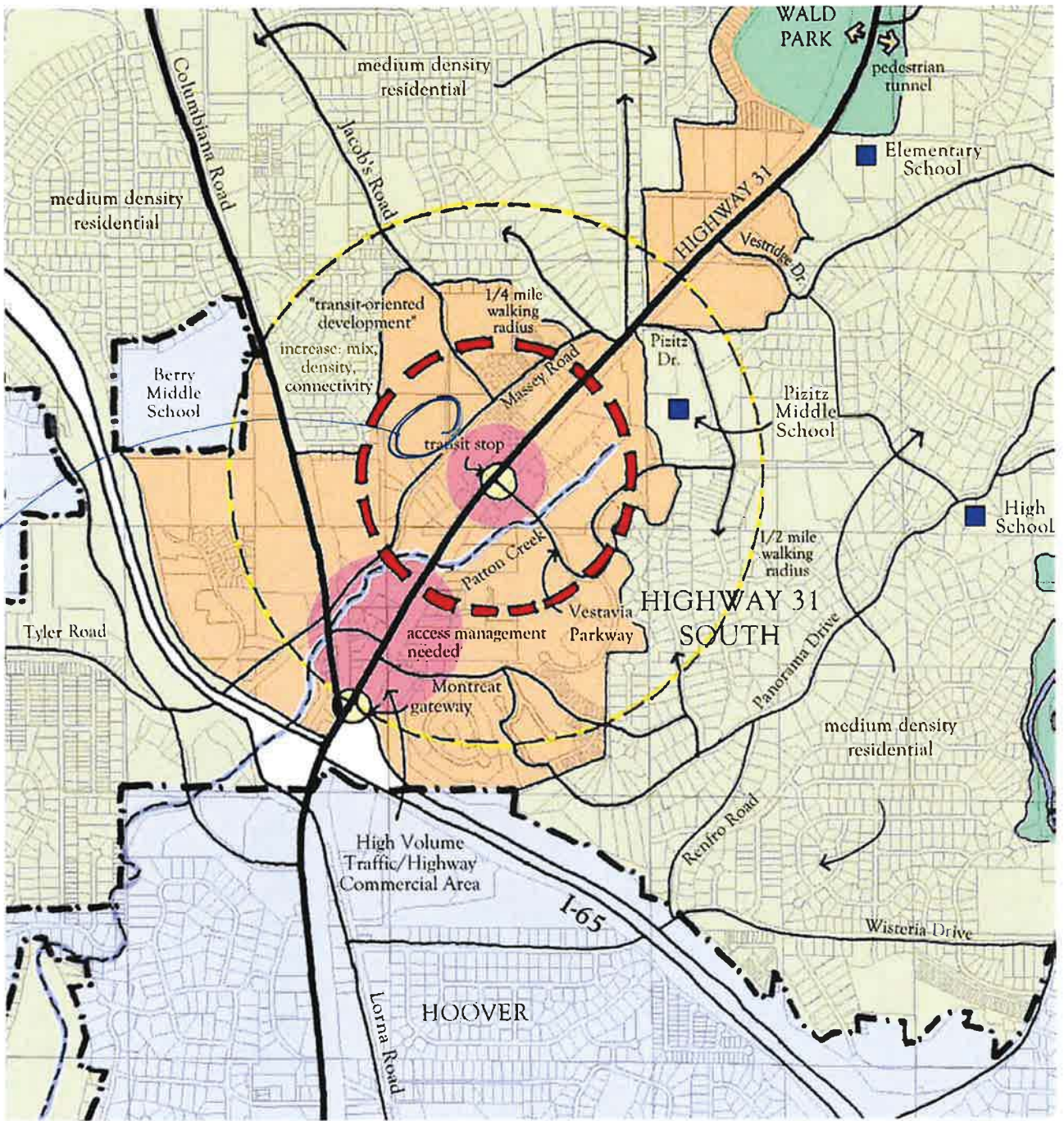
PROPOSED SETBACKS:

FRONT: 25'-0"
REAR: 20'-0"
SIDE: 5'-0"

HagerCo-LLC

keithhager@icloud.com
Keith L. Hager, PE
1201 Grayynn Drive
Birmingham, AL 35216
Direct: 205.229.1738

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Subject Parcel

Figure 18: Highway 31 South Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center** - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core** - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes** - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

- Professional Offices** - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space** - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads** - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- S **Schools** - School facilities administered by the Vestavia Hills School System.



ORDINANCE NUMBER 2852

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS RC-1 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills RC-1 (condominium residential district) to Vestavia Hills R-9 (planned residential district):

3038 Massey Road
A portion of Vestavia Terrace, A Condominium
Overton Investments, LLC, Owner(s)

More particularly described as follows:

A parcel of land being a part of Vestavia Terrace, a Condominium, as recorded in Map Book 240, page 54 in the Office of the Judge of Probate, Jefferson County Alabama, situated in the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter, Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama, being more particularly described as follows:

Commence from a found 3" capped pipe marking the Northeast corner of the Southeast quarter of the Southwest quarter of said Section 36 and the Northwest corner of Lot 1, Southbury as recorded in Map Book 83, Page 86 in the Office of the Judge of Probate of said County; thence run South 02 degrees 27 minutes 28 seconds West along the East line of said quarter-quarter section and the West line of said Lot 1, a distance of 325.29 feet to a found capped rebar stamped CA-560-LS and the Point of Beginning; thence continue South 02 Degrees 27 minutes 28 seconds West along said East line and West line for a distance of 78.53 feet to a found capped rebar stamped CA-560-LS; thence leaving said East line run South 41 Degrees 10 minutes 32 seconds East along said West line for a distance of 134.60 feet to a found capped rebar stamped CA-560-LS; thence run South 24 Degrees 44 minutes 32 seconds East along said West line for a distance of 124.90 feet to a found capped rebar stamped CA-560-LS; thence run South 34 Degrees 34 minutes 32 seconds East along said West line for a distance of 9.18 feet to a point; thence leaving said West line run South 42 Degrees 55 minutes 39 seconds West for a distance of 234.85 feet to a point; thence run North 52 Degrees 06 minutes 15 seconds West for a distance of 96.31 feet to a found crimp pipe; thence run North 02 Degrees 32

minutes 24 seconds East for a distance of 415.31 feet to a found capped rebar stamped (LOW) marking the Northeast corner of Lot 9 according to Ridge Park, Addition to Vestavia Hills as recorded in Map Book 69, Page 13 in the Office of the Judge of Probate in said County, said rebar also lying on the South line of Lot 8 of said subdivision; thence run South 88 Degrees 58 minutes 38 seconds East along said South line of Lot 8 for a distance of 74.82 feet to the Point of Beginning, Said parcel contains 66,574 square feet or 1.53 acres more or less.

APPROVED and ADOPTED this the 24th day of June, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2852 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of June, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: MAY 9, 2019

- **CASE: P-0519-22**
- **REQUESTED ACTION:** Rezoning Vestavia Hills RC-1 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3038 Massey Road
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3038 Massey Road from RC-1 to R-9. The applicant would like to build 9 townhomes on the property. This is the site previously housed a condo complex, that caught fire and is now currently vacant. There will be an access drive that will connect with the current drive for the condominium in front of the property. There will also be several parking spaces that will be along the access drive. A proposed storm drainage easement will on the side and on the back of the property and a common area will be located on the most northern end of the lot.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for village center.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Weaver made a motion to recommend Rezoning From Vestavia Hills RC-1 to Vestavia Hills R-9 for The Property Located At 3038 Massey Road. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Romeo – yes

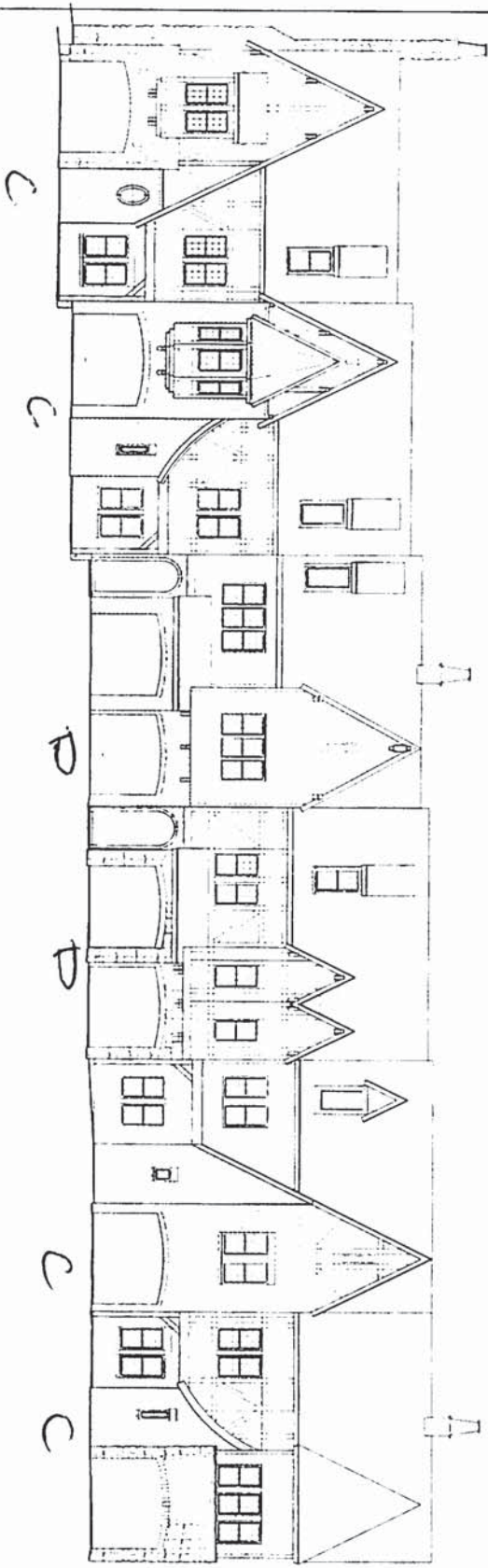
Ms. Cobb – yes

Motion carried.

Mr. Sykes – yes

Mr. Weaver– yes

Mr. House – yes



BUILDING 2 FRONT ELEVATION

under construction

LENNON TOWNHOMES

FOR
 ANDREWS & SHERIDAN ARCHITECTS
 1111 10th Street
 Birmingham, AL 35203

WISDOM & ASSOCIATES

ARCHITECTS & PLANNERS BIRMINGHAM, ALABAMA



DATE: 11/11/11
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: Lennox Townhomes
 SHEET: A6

ORDINANCE NUMBER 2855

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER
TO EXECUTE AND DELIVER AN AMENDMENT TO AGREEMENT
WITH JEFFERSON COUNTY FOR MAINTENANCE OF SELECT
ROADWAYS WITHIN THE MUNICIPALITY**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The Mayor and City Manager are hereby authorized to execute and deliver an amendment to agreement with Jefferson County regarding maintenance of select roadways within the municipality; and
2. A copy of said agreement is marked as Exhibit A and is attached to and incorporated into this Ordinance Number 2855 as if written fully therein; and
3. This Ordinance Number 2855 shall become effective immediately upon adopting and posting/publication as required by Alabama law.

ADOPTED and APPROVED this the 24th day of June, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**AMENDMENT TO AGREEMENT BETWEEN
JEFFERSON COUNTY, ALABAMA, AND
THE CITY OF VESTAVIA HILLS, ALABAMA,
REGARDING MAINTENANCE OF SELECT ROADWAYS WITHIN
THE MUNICIPALITY**

WHEREAS, the City of Vestavia Hills, Alabama, (“City”) and Jefferson County, Alabama, (“County”) did previously enter into an agreement entitled Agreement Between Jefferson County, Alabama, and The City of Vestavia Hills, Alabama, Regarding Maintenance of Select Roadways Within the Municipality, said Agreement being approved by the City on or about September 20, 2017, and the County on or about December 5, 2017, and as recorded in the County’s Minute Book 171, Pages 502-505 (hereinafter the “2017 Agreement”); and

WHEREAS, the 2017 Agreement pertains to the public purpose of control, management, supervision, regulation, repair, maintenance, or improvement of certain roadways or portions of certain roadways located within the City’s corporate limits; and

WHEREAS, the County applied for and was awarded Federal funding for the TOPICS Phase 8 Intersection Improvements, Project STPBH-9802 (“Project”); and

WHEREAS, the purpose of the Project, as it pertains to the roadways identified herein and located within the City’s corporate limits, is to widen and improve sections of Crosshaven Drive and Green Valley Road, and the Project scope and work to be performed by the County includes and requires the widening, resurfacing, and realignment of the intersection of Crosshaven Drive at Green Valley Road, both of which were identified in the 2017 Agreement; and

WHEREAS, in conjunction with the Project and the County’s obligations thereunder, the County is responsible for the control, management, supervision, regulation, repair, maintenance, or improvement of the roadways or portions of roadways within the Project work limits; and

WHEREAS, it is the intent and desire of the City and the County to amend the 2017 Agreement to establish and provide for the control, management, supervision, regulation, repair, maintenance, or improvement of certain additional roadways or portions of certain additional roadways located within the City’s corporate limits and within the Project work limits that were not specifically identified or otherwise provided for in the 2017 Agreement; and

WHEREAS, this amendment shall supplement and amend the 2017 Agreement for the purpose of identifying the certain additional roadways or portions of certain additional roadways for the control, management, supervision, regulation, repair, maintenance, or improvement by the County and the 2017 Agreement shall otherwise remain in full force and effect.

NOW THEREFORE, in consideration of the above recitals and covenants contained herein, the parties agree as follows:

1. In addition to those roads identified in the 2017 Agreement, the roads, bridges, and portions of roads located within the Project work limits in the jurisdictional limits of the City, as

listed below and as more particularly identified and depicted in Exhibit A expressly made a part hereof, are hereby acknowledged and accepted by the County to be the responsibility of the County for the control, management, supervision, regulation, repair, maintenance, or improvement as required by Alabama law, to-wit:

- a. Green Valley Road (as per the 2017 Agreement);
- b. Crosshaven Drive from the intersection of Cahaba Heights Road to the northerly limits of the City as per the 2017 Agreement;
- c. Sunview Drive from the intersection of Crosshaven Drive to a point approximately 400 feet to the west at the intersection of Sunview Drive and Cypress Drive; and
- d. Wall Street from the intersection of Green Valley Road to a point approximately 200 feet to the north.

2. It is understood and agreed that the County will be responsible for the plan development, environmental permitting, right-of-way acquisition, utility relocation, construction management, and all other activities necessary for and related to the construction of the improvements associated with TOPICS Phase 8 Intersection Improvements, Project STPBH-9802.

3. The City acknowledges that it is in the public interest to cooperate with the County as is reasonable and necessary to complete the design and construction of the roadway improvements in conjunction with TOPICS Phase 8 Intersection Improvements, Project STPBH-9802.

4. The City acknowledges and understands that the County will assume, in addition to those roads identified in the 2017 Agreement, the responsibility for control, management, supervision, regulation, repair, maintenance, and improvement of any roadway or portion of roadway located within the Project work limits, as specified herein and as more particularly identified and depicted in Exhibit A attached hereto.

5. The City specifically acknowledges, understands, and agrees that in addition to maintenance activities, the County shall control access along the above listed roadways or portions of roadways. It is further acknowledged, understood, and agreed that any future access points shall be located and approved by the County to promote the distribution of traffic through an area to the arterial road system.

6. The City and the County acknowledge, understand, and agree that, except as provided in the 2017 Agreement and this amendment to the 2017 Agreement, no other roadway or portion of roadway shall be maintained by the County unless written notification is provided to the Director of the Jefferson County Roads & Transportation Department of the additional roadway to be considered, and the agreement is brought before the Jefferson County Commission and approved by same.

7. The City and County acknowledge that the 2017 Agreement shall remain in full force and effect, as supplemented by this amendment.

JEFFERSON COUNTY COMMISSION

DATE: _____

James A. Stephens, President

CITY OF VESTAVIA HILLS, ALABAMA

DATE: _____

Ashley C. Curry, Mayor

Jeffrey Downes, City Manager

ATTEST:

I, Mildred G. Diliberto, Minute Clerk for the Jefferson County Commission, hereby certify that the above and foregoing is a true and correct transcript of an agreement duly approved and adopted by the Jefferson County Commission on the ___ day of _____, 2019, and recorded in Minute Book ___, Pages _____, of the Official Minutes and Records of the Jefferson County Commission.

GIVEN under my hand and seal of Jefferson County, Alabama, this the ___ day of _____, 2019.

Mildred D. Diliberto
Minute Clerk, Jefferson County Commission