

Join us! In an effort to enhance meetings during the COVID-19 shutdown, the City Council invites you to join and/or participate in a variety of ways: Via computer Zoom meetings (no app is necessary), telephone, email and/or text! See details on page 3.

**Vestavia Hills
City Council Agenda
April 12, 2021
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Harwell, Member, Vestavia Hills United Methodist Church
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
 - a. Announcement Of Applicants For Board Of Education Vacancy – George Pierce
7. Proclamation – Child Abuse Prevention Month – April 2021
8. City Manager’s Report
9. Councilors’ Reports
10. Financial Reports – Melvin Turner, III, Finance Director
11. Approval Of Minutes – March 15, 2021 (Work Session), March 22, 2021 (Work Session), and March 22, 2021 (Regular Meeting)

Old Business

12. Resolution Number 5305 – A Resolution Approving And Assenting To The Vacation Of A Portion Of Pine Tree Drive; John Boone, representing *(public hearing)*
13. Resolution Number 5306 – A Resolution Determining The Value Of Vacated Right-Of-Way Vacated By Resolution Number 5305 *(public hearing)*

New Business

New Business (Requesting Unanimous Consent)

14. Resolution Number 5314 – A Resolution Declaring That A Water Leak At City Hall Is An Emergency That Requires Immediate Repair And Authorizing The City Manager To Accept A Proposal From Trinity Contractors To Repair Said Leak (*public hearing*)

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

15. Ordinance 2818-A – An Ordinance To Amend Ordinance Number 2818 To Rezone Properties Located At 3782 Fairhaven Drive; Lots 31A-D, Overton Investments, LLC Resurvey Of A Part Of Block 1 New Merkle From Vestavia Hills R-9 (Planned Residential District For Construction Of Four Townhomes) To Vestavia Hills R-9 (Planned Residential District For Construction Of Three Detached Single-Family Homes); Overton Investments, LLC; Owners (*public hearing*)
16. Ordinance Number 3005 - An Ordinance Establishing Rules For Dog Parks To Be Opened Soon In The City Of Vestavia Hills
17. Citizens Comments
18. Adjournment

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

Due to the COVID-19 “Stay at Home” Order issued by Gov. Ivey, the City Council work sessions and meetings are available via video-conference and teleconference. If you choose not to attend in person, you may still participate. Following are instructions for three options to participate remotely.

COMPUTER PARTICIPATION (*view/participate in real time*)

To participate in by videoconference, click <https://us02web.zoom.us/j/4555343275>. When the Zoom.us window opens in your browser, click “Allow” so that the page may open to a waiting room. The host will open the meeting and bring all into the meeting room at that time. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the “Raise Hand” feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council.

Using the icons on the Zoom screen, you can:

- Mute/unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- View Participants – opens a pop-out screen that includes the “Raise Hand” icon that you may use to raise a virtual hand
- Change your screen name displayed in the participant list and video window
- Toggle between “speaker” and “gallery” views – “Speaker view” shows the active speaker; “Gallery view” tiles all of the meeting participants

TELEPHONE PARTICIPATION (*view/participate in real time*)

To participate by telephone, dial 312.626.6799 and enter the meeting ID: 455 534 3275. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, press *6 on your phone keypad to unmute yourself. Then state your name and wait for the Mayor to recognize you. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then address the Council.

TEXT AND/OR EMAIL (*prior to the meeting or in real time*)

If you do not wish to join the meeting but would like to ask a question or make a statement regarding an item on the agenda, you may email the City Council directly at City.Council@vhal.org. You may also text your question/statement to City Council at 205.517.1370. Both of these options are available prior to and during each work session and meeting. Be sure to provide your name and address for the record and your comments will be recited to the City Council as the corresponding item is being addressed. Note: As a matter of record, your name and address are required. If identification is not provided, your comment/question will not be presented.

WHEREAS, preventing child abuse and neglect is a community responsibility that affects both the current and future quality of life of a community; in 2020, there were 25,814 reported cases of child abuse and neglect in the state of Alabama with 10,474 indicated; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone in our community; and

WHEREAS, all children have a right to grow up in safe, stable, and nurturing homes and live in communities that foster healthy growth and development; and

WHEREAS, our children are our most valuable resources and will shape the future of Vestavia Hills, Alabama; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects for victims of abuse; and

WHEREAS, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, child advocacy centers, health care, community and faith-based organizations, business and law enforcement agencies; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children help to ensure that all children grow to their full potential.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim April 2021 as

CHILD ABUSE PREVENTION MONTH

and encourage our citizens to work together as a community to increase awareness about child abuse and contribute to the social and emotional well-being of children and families in a safe, stable, nurturing environment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 12th day of April 2021.

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

MARCH 15, 2021

The City Council of Vestavia Hills met in special work session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to Orders from the Alabama State Health Officer, requiring social distancing along with limits of attendees, this meeting was held with a portion of Staff and general public/audience members attending via Zoom.com following publication pursuant to Alabama law. The Mayor called the work session 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
George Pierce, Councilor
Paul Head, Councilor

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Christopher Brady, City Engineer
Ryan Farrell, Asst. Fire Chief*
Marvin Green, Fire Chief

**via Zoom*

The Mayor called the work session to order.

LEGISLATIVE UPDATE

The Mayor stated that the Legislature is working on a law to reclassify what is currently a legal drug to a Schedule 2 drug. He stated it's called Tianeptine, nicknamed "Tianna, ZaZa and Pegasus." He explained a background of this drug and stated that it is primarily utilized by individuals who are trying to get clean but relapse by using this over the counter. Recovery networks have supported upgrading this bill.

The Mayor announced that all of the Senior Citizen facilities in the City have at least had the first vaccine for COVID-19. Mrs. Cook congratulated the Mayor for his actions in ensuring that this was accomplished.

Sandi Wilson and Jeff Corley introduced the City's newest employee, Haley Thompson. She explained that Haley will be doing marketing and memberships for the City. She participated Saturday morning at baseball to give her a welcome. Sandi explained that Haley once played on the fields herself. Haley explained what her duties will be in her new position.

SAFER AT HOME ORDER

Mr. Downes indicated that the Governor's Safer at Home Order will be coming to some level of closure this month. He indicated that staff was looking for guidance from the Council if the Zoom meetings should continue and for what Boards.

The Mayor asked if the CDC has indicated any options if persons have been vaccinated.

Ms. Leavings stated that all that is known right now is that the mask order would go away. It's unclear at this point how much of the Safer at Home Order will go away. She explained that these meetings are convenient and the public hearings are slowed down remotely. She stated that direction and decisions would need to come from Council to be given over to the other Boards.

The Council discussed various opportunities and indicated that for now, the Council would continue with the Zoom option. Using Zoom would limit all the meetings and work sessions to the Chambers because the ECR would have to be upgraded in order to use it for remote usage.

Mrs. Cook stated that she loves the convenience and the way it offers residents to listen remotely but to participate in public hearings, it might be better to have participation done in person. Doing it remotely is more disruptive.

Mr. Downes explained that if the City continued using the Zoom option, there would be other requirements for quorum and probably voting. He stated that they'll take the Council's comments and continue to have them in this room. At the appropriate time, we might consider a change in the organizational rules to have participation in person. Mr. Pierce had reservations that senior citizens might want to participate remotely and not come in person because of health concerns. Mr. Weaver agreed.

In closing, Mr. Downes summarized that maybe everything should stay status quo. The Mayor suggested encouraging participation in person if possible. He asked if there's any problems with keeping the other Boards status quo also.

NAMING OF THE COMMUNITY BUILDING

Mr. Downes opened the discussion to begin consideration of the naming of the Community Building. The Council discussed that if the role of that building is to be expanded, the term Civics Center might more appropriately refer to that building.

Discussion ensued with input from Sandi Wilson. Ms. Wilson stated that the current facility is called the Civic Center and on the other side it says Vestavia Hills Recreation Center. Mr. Pierce gave a brief background of the facility. Names like Crossplex, Findley Center, the Multiplex, Civic Center, etc.

Mr. Downes indicated that they weren't seeking a definitive answer today but wanted to put the issue in the thought process to gather a consensus. Mr. Head asked if it might be better to name the center similar to the Findley Center. Mr. Pierce suggested branding the center as well utilizing high school students. Mr. Downes stated that Cinnamon McCulley has already begun the effort.

Mr. Weaver arrived at the meeting at 6:28.

Mrs. McCulley stated that they are working on branding using several input methods but she didn't think using students would be the right way to proceed.

In closing, Mr. Downes summarized that the City will continue to gather information and regroup with the Council at a later date to look for a decision.

SIDEWALK MASTER PLAN UPDATE

Mr. Downes stated that one of the strategic goals would be to revisit the master sidewalk plan. He stated that the last time the plan was addressed, it was done through a citizen's group. He asked the Council if they wanted a particular leader for this endeavor and what part does the Council wish to participate.

Discussion ensued. Mrs. Cook stated she would like to see people from all parts of the city to ensure proper representation for all sections of the City. The Mayor stated it needs to be set so as to change when residents step up or developments put emphasis on other parts of the City. He stated that it needs to be adaptable.

Mr. Downes suggested putting together a steering committee and begin gathering input to see what needs to be done to refresh the document.

REVISIONS TO THE ZONING CODE

Ms. Leavings revisited the items discussed during the strategic session on staff's suggestions for revisions to the Zoning Code. She highlighted the various sections and asked for

input. Mr. Downes explained that the Council will need to initiate this revision by way of Resolution and the staff wanted to ensure that the Council was fully informed of the suggested revisions.

EXECUTIVE SESSION

The Mayor stated that this work session was convened so that the Council could go into Executive Session to discuss the purchase and/or sale of real estate for an estimated 45 minutes. He opened the floor for a motion:

MOTION Motion to enter into Executive Session for an estimated 45 minutes for the purchase and/or sale of real estate was by Mrs. Cook, and second was by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

The Council exited the work session and entered into Executive Session at 6:49 PM. At 7:42 PM, the Council reentered the Chambers and exited Executive Session. The Mayor called the work session back to order.

At 7:43 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 7:44 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

MARCH 22, 2021

The City Council of Vestavia Hills met in special work session on this date at 5:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to Orders from the Alabama State Health Officer, requiring social distancing along with limits of attendees, this meeting was held with a portion of Staff and general public/audience members attending via Zoom.com following publication pursuant to Alabama law. The Mayor called the work session 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
George Pierce, Councilor
Paul Head, Councilor*

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Marvin Green, Fire Chief

**via Zoom*

The Mayor called the work session to order.

EXECUTIVE SESSION

The Mayor stated that this work session was convened so that the Council could go into Executive Session to discuss the purchase and/or sale of real estate for an estimated 45 minutes. He opened the floor for a motion:

MOTION Motion to enter into Executive Session for an estimated 45 minutes for the purchase and/or sale of real estate was by Mr. Pierce, and second was by Mrs. Cook. Roll call vote as follows:
Mrs. Cook – yes Mr. Pierce – yes
Mayor Curry – yes Motion carries.

The Council exited the work session and entered into Executive Session at 5:02 PM. At 5:52 PM, the Council reentered the Chambers and exited Executive Session.

Mayor Curry called the meeting back to order.

At 5:53 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 5:54 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MARCH 22, 2021

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. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to Orders from the Alabama State Health Officer, requiring social distancing along with limits of attendees, this meeting was held with a portion of Staff and general public/audience members attending via Zoom.com following publication pursuant to Alabama law. The Mayor called the meeting to order. The City Clerk called the roll with the following:

MEMBERS PRESENT:

Mayor Ashley C. Curry
Rusty Weaver, Mayor Pro-Tem*
Kimberly Cook, Councilor
George Pierce, Councilor

MEMBERS ABSENT:

Paul Head, Councilor*

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Brian Davis, Public Services Director*
Marvin Green, Fire Chief
Melvin Turner III, Finance Director
Umang Patel, Court Director*
**present via Zoom or telephone*

Jim Cartledge, Vestavia Hills Chaplain, led the invocation which was followed by the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The Mayor opened the floor for a motion of approval of the agenda as presented.

MOTION Motion to approve the agenda as presented was by Mr. Pierce seconded by Mrs. Cook. Roll call vote was, as follows:

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

motion carried.

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mrs. Cook announced that the City Council would begin accepting applications for an upcoming vacancy on the Vestavia Hills Board of Education. Applications will be accepted in the Office of the City Clerk beginning tomorrow, March 9, 2021. Applications may be obtained at the City's website. Deadline for application is 5 PM, Monday, April 12, 2021. She encouraged everyone interested to apply. The Council will vote on April 26, 2021 with personal interviews to be scheduled for the 15th and 16th of April.
- Mr. Pierce welcomed James Robinson and Sandra Cleveland, Vestavia Hills Chamber of Commerce Board members, who were participating in the meeting via Zoom.

CITY MANAGER'S REPORT

- Mr. Downes shared the Zoom screen and explained the collections the City has collected through SSUT, Simplified Sellers Use Tax. He explained that these are collections derived from online sales made and remitted to the State of Alabama and later, remitted through the State to the City. Since its initial adoption, these SSUT collections continue to climb each year. He explained the background and the progress of the tax following a court case and different calculations through the State of Alabama. He stated that the City needs to find coordinated ways to work with merchants and other stakeholders to show you can still get a great experience by shopping and dining locally.
 - Mrs. Cook reiterated that the infrastructure that the City builds and maintains also adds to local business experiences.
 - Mr. Pierce stated that the City's big box stores are primarily grocery but there's always the need to support the City's smaller businesses. He encouraged everyone to purchase goods locally.

COUNCILOR REPORTS

- None.

FINANCIAL REPORTS

Mr. Turner, Finance Director, presented the financial reports for month ending February 2021. He read and explained the balances.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: March 8, 2021 (Regular Meeting).

MOTION Motion to approve the minutes of March 8, 2021 (Regular Meeting) was by Mrs. Cook and seconded by Mr. Pierce. Roll call vote as follows:
Mrs. Cook – yes Mr. Pierce – yes
Mr. Weaver – yes Mayor Curry – yes
motion carried.

OLD BUSINESS

The Mayor explained that the following five items include a Resolution to begin the 90-day annexation and an Ordinance for an overnight annexation. He stated he would entertain one public hearing for each property.

Mr. Pierce delivered the findings of the Standing Annexation Committee at their meeting of February 28, 2021 with no adverse information found. He explained the purpose of the Standing Annexation Committee meeting.

Mrs. Cook noted that the first property, 3632 Dabney Drive, had an engineering concern over a concrete pipe. Mr. Pierce stated that the original house burned and is being rebuilt and the builder has indicated he would repair the pipe.

RESOLUTION NUMBER 5303

Resolution Number 5303 – Annexation – 90 Day – 3632 Dabney Drive; Lot 26, Altadena Forest Estates, 5th Sector; Vita Marshman, Owner (public hearing)

MOTION Motion to approve Resolution Number 5303 was by Mr. Pierce, and seconded by Mrs. Cook.

Blake Pittman, Taylor Burton Companies, was present in regard to this matter representing the owners. He indicated that they repaired the pipe today.

The Mayor opened the floor for a public hearing for Resolution Number 5303 and Ordinance 3000. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote was as follows:

Mrs. Cook – yes Mr. Pierce – yes
Mr. Weaver – yes Mayor Curry – yes
motion carried.

ORDINANCE NUMBER 3000

Ordinance Number 3000 – Annexation – Overnight – 3632 Dabney Drive; Lot 26, Altadena Forest Estates, 5th Sector; Vita Marshman, Owner (public hearing)

MOTION Motion to approve Ordinance Number 3000 was by Mrs. Cook, and seconded by Mr. Pierce.

The Mayor indicated that the public hearing has already been held and called for the question. Roll call vote was as follows:

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

motion carried.

RESOLUTION NUMBER 5304

Resolution Number 5304 – Annexation – 90 Day – 1700 Shades Crest Road; Whitney and Thomas Holland, Owners (public hearing)

MOTION Motion to approve Resolution Number 5304 was by Mrs. Cook, and seconded by Mr. Pierce

Mr. and Mrs. Holland, owners, were present in regard to this matter.

The Mayor opened the floor for a public hearing for Resolution Number 5304 and Ordinance 3001. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote was as follows::

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

motion carried.

ORDINANCE NUMBER 3001

Ordinance Number 3001 – Annexation – Overnight – 1700 Shades Crest Road; Whitney and Thomas Holland, Owners (public hearing)

MOTION Motion to approve Ordinance Number 3001 was by Mrs. Cook, and seconded by Mr. Pierce.

The Mayor indicated that the public hearing has already been held and called for the question. Roll call vote was as follows:

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

motion carried.

RESOLUTION NUMBER 5307

Resolution Number 5307 – Annexation – 90 Day – 2829 Acton Place; Lindsay and Jake Brown, Owners (public hearing)

MOTION Motion to approve Resolution Number 5307 was by Mr. Pierce, and seconded by Mrs. Cook.

Mr. Brown, owner, was present in regard to this matter.

The Mayor opened the floor for a public hearing for Resolution Number 5307 and Ordinance 3002. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote was as follows:

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

motion carried.

ORDINANCE NUMBER 3002

Ordinance Number 3002 – Annexation – Overnight – 2829 Acton Place; Lindsay and Jake Brown, Owners (public hearing)

MOTION Motion to approve Ordinance Number 3002 was by Mrs. Cook, and seconded by Mr. Pierce.

The Mayor indicated that the public hearing has already been held and called for the question. Roll call vote was as follows:

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

motion carried.

RESOLUTION NUMBER 5308

Resolution Number 5308 – Annexation – 90 Day – 2632 Alta Vista Circle; Lots 15 & 16, Altadena Valley Country Club Sector; Victor and Cynthia Maldonado, Owners (public hearing)

MOTION Motion to approve Resolution Number 5308 was by Mr. Pierce, and seconded by Mrs. Cook.

Mr. Maldonado, owner, was present via Zoom in regard to this matter.

The Mayor opened the floor for a public hearing for Resolution Number 5308 and Ordinance 3003. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote was as follows:

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

motion carried.

ORDINANCE NUMBER 3003

Ordinance Number 3003 – Annexation – Overnight – 2632 Alta Vista Circle; Lots 15 & 16, Altadena Valley Country Club Sector; Victor and Cynthia Maldonado, Owners (*public hearing*)

MOTION Motion to approve Ordinance Number 3003 was by Mrs. Cook, and seconded by Mr. Pierce.

The Mayor indicated that the public hearing has already been held and called for the question. Roll call vote was as follows:

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

motion carried.

RESOLUTION NUMBER 5309

Resolution Number 5309 – Annexation – 90 Day – 2600 Alta Vista Circle; Lot 8, Altadena Valley Country Club Sector; Mark and Hillary Smith, Owners (*public hearing*)

MOTION Motion to approve Resolution Number 5309 was by Mr. Pierce and seconded by Mrs. Cook.

Mr. Smith, owner, was present in regard to this matter.

The Mayor opened the floor for a public hearing for Resolution Number 5309 and Ordinance 3004. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote was as follows:

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

motion carried.

ORDINANCE NUMBER 3004

Ordinance Number 3004 – Annexation – Overnight – 2600 Alta Vista Circle; Lot 8, Altadena Valley Country Club Sector; Mark and Hillary Smith, Owners (public hearing)

MOTION Motion to approve Ordinance Number 3004 was by Mrs. Cook, and seconded by Mr. Pierce.

The Mayor indicated that the public hearing has already been held and called for the question. Roll call vote was as follows:

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

RESOLUTION NUMBER 5312

Resolution Number 5312 – A Resolution Of The Vestavia Hills City Council Acting As The Vestavia Hills Emergency Communications Board (E911 Board) Authorizing The Purchase Of \$24,000 For Radio Communications Equipment (public hearing)

MOTION Motion to approve Resolution Number 5312 was by Mr. Pierce, and seconded by Mrs. Cook.

Chief Green explained that they were recently notified that they would have an additional \$24,000 and would like to purchase some new communication equipment for police/fire.

Mr. Pierce asked about communication dead spots in the City.

Mr. Green stated they have coordinated with the City of Birmingham to place an additional tower which shrunk many dead spots.

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

Mrs. Cook – yes	Mr. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

NEW BUSINESS

RESOLUTION NUMBER 5313

**Resolution Number 5313 – A Resolution Declaring Certain Personal Property As Surplus
And Authorizing The City Manager To Sell/Dispose Of Said Property**

MOTION Motion to approve Resolution Number 5313 was by Mrs. Cook, and seconded by Mr. Pierce.

Mr. Downes explained these are police motorcycles at the end of their usefulness.

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

Mrs. Cook – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

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

- Resolution Number 5305 – A Resolution Approving And Assenting To The Vacation Of A Portion Of Pine Tree Drive; John Boone, Owner (*public hearing*)
- Resolution Number 5306 – A Resolution Determining The Value Of Vacated Right-Of-Way Vacated By Resolution Number 5305 (*public hearing*)

CITIZEN COMMENTS

None.

Cerissa Brown, Candidate for Mayor of the City of Birmingham, introduced herself and asked for support in the upcoming Mayoral election. She added that she'd welcome the opportunity to work with neighboring municipalities if elected.

At 6:37 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:38 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5305

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

WITNESSETH THESE RECITALS

WHEREAS, A Declaration signed by the owners of all the lands abutting the following described portion of Pine Tree Drive right-of-way situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said portion of Pine Tree Drive right-of-way, 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 portion of Pine Tree Drive right-of-way above referred to is commonly referred to as “a portion of Pine Tree Drive right-of-way” and is more particularly described as follows:

Description Of Partial Vacation Of Pine Tree Drive.

Part of the southwest ¼ of southeast ¼ of section 17, right of way of pine drive in Topfield subdivision as recorded in map book 42, page 72 in the office of probate judge of Jefferson County, Alabama, township 18 south, range 2 west, Jefferson County, Alabama. Begin at the southeastern corner of lot 17, Topfield subdivision as recorded in map book 42, page 72 in the Office of Probate Judge of Jefferson County, Alabama; said corner being on the intersection of the northerly right of way of pine drive and westerly line of Colony Wood Apartments as recorded in map book 170, page 72; thence run south 00°00'52" east for 50 feet along the easterly right of way line of said pine drive and westerly line of said colony wood apartments to the northeastern corner of lot 18 of said Topfield subdivision and the intersection of southerly line of said Pine Drive (to be vacated) and the westerly line of said Colony Wood Apartments; thence run north 89°29'14" west along north line of said lot 18 and the southerly line of said Pine Drive (right of way to be vacated) for 175.08 feet to a curve to the left subtending a central angle of 90°31'38" and having a radius of 25.16 feet; thence run along the arc of said curve for 39.03 feet and southerly right of way of Pine Drive (to be vacated) to the end of said curve, and point being on the westerly right of way line of Pine Tree Circle and easterly line of said Pine Tree Drive right of way (to be vacated); thence run north 00°00'52" west for 100.20 feet along the easterly right of way of Pine Tree Circle and westerly right of way line of Pine Drive (to be vacated) for 100.20 feet to a point on the northerly right of way of Pine Drive (to be vacated) and westerly line of said lot 17, said point being a curve to the left subtending a

central angle of 90°21 '30" having a radius of 24.84 feet; thence run along the arc of said curve and northerly right of way of pine drive (to be vacated) for 39.17 feet and southerly line of said lot 17 to the end of said curve; thence run south 89°29' 14" east for 175.08 feet along said southerly line of lot 17, and northerly right of way of Pine Drive (to be vacated) to the point of beginning. Said parcel contains 10,270 square feet or 0.24 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described portion of Pine Tree Drive right-of-way 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 12th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

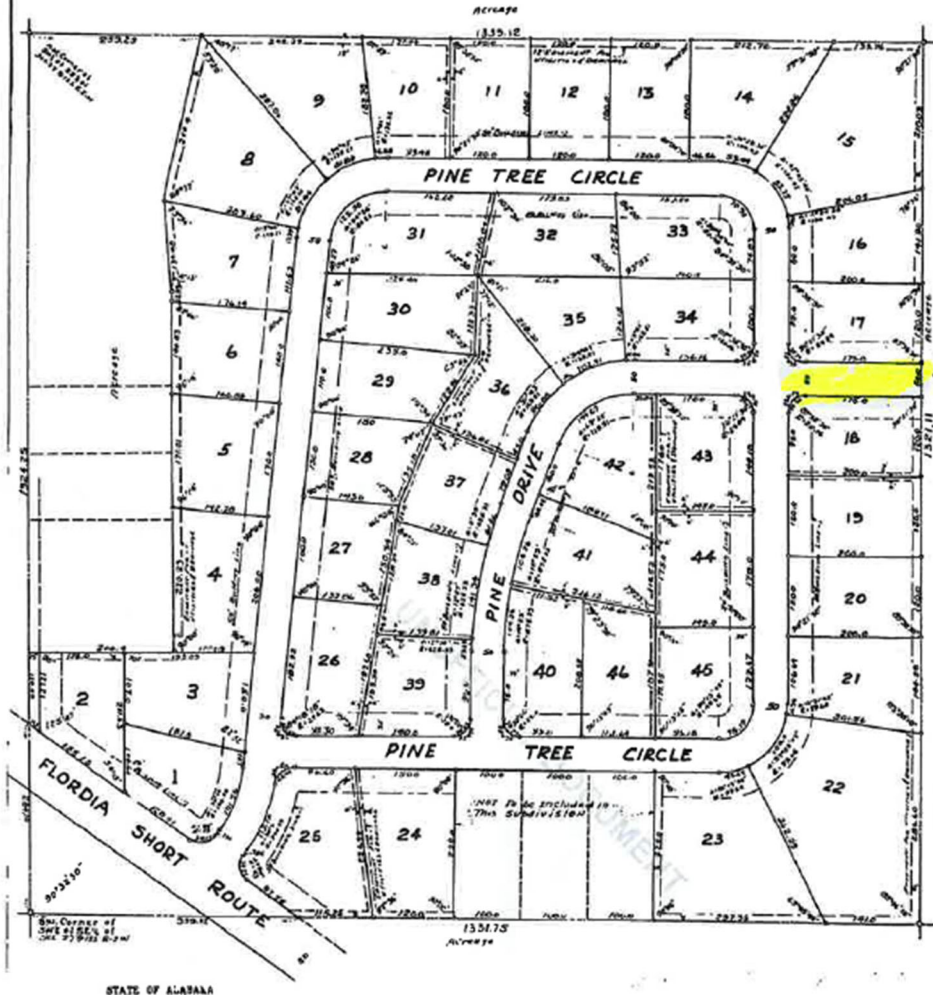
CERTIFICATION

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 12th day of April, 2021, 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 _____, 2021.

Rebecca Leavings
City Clerk

TOPFIELD SUBDIVISION
LOCATED IN SW¼ OF SE¼ OF SEC. 27-T-18-S. R. 2-WEST
MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'



Area to be Vacated

**STATE OF ALABAMA
JEFFERSON COUNTY**

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting Right of Way as same appears on the Plat of Topfield Subdivision which Plat is recorded in Plat Book 42, at Page 72, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said Right of Way as the same appears of record on the Plat to be vacated, and said Right of Way is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of Right of Way 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 Right of Way 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. Right of Way is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at Pine Tree Circle and sits in between lots 17 and 18

_____ . A copy of the map reflecting the location of Right of Way 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 Right of Way and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 4545 Pine Tree Circle, Vestavia, AL 35243
Legal Description: Topfield Subdivision Map Book 42
Page 72 Lot 17
Owners' Name(s): John W. Boone

B. Street Address: 4541 Pine Tree Circle, Vestavia, AL 35243
Legal Description: Topfield Subdivision Map Book 42
Page 72 Lot 18
Owners' Name(s): John W. Boone

C. Street Address: 2302 Colony Park Dr. Birmingham, AL 35243
Legal Description: Colony Woods Apartments
Map Book 170 Page 72 Lot 1
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 Right of Way to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of Right of Way and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the _____ day of _____, 20_____.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)

DECLARATION OF VACATION

STATE OF ALABAMA)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,

JOHN BOONE

being the owner(s) of all lands abutting the portion of public way or ways hereinafter declared vacated, do(es) hereby declare vacated and divested out of the public the portion of portions of public way or ways described as follows, to-wit:

PART OF THE SOUTHWEST $\frac{1}{4}$ OF SOUTHEAST $\frac{1}{4}$ OF SECTION 17, RIGHT OF WAY OF PINE DRIVE IN TOPFIELD SUBDIVISION AS RECORDED IN MAP BOOK 42, PAGE 72 IN THE OFFICE OF PROBATE JUDGE OF JEFFERSON COUNTY, ALABAMA, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA


BEGIN AT THE SOUTHEASTERN CORNER OF LOT 17, TOPFIELD SUBDIVISION AS RECORDED IN MAP BOOK 42, PAGE 72 IN THE OFFICE OF PROBATE JUDGE OF JEFFERSON COUNTY, ALABAMA; SAID CORNER BEING ON THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF PINE DRIVE AND WESTERLY LINE OF COLONY WOOD APARTMENTS AS RECORDED IN MAP BOOK 170, PAGE 72; THENCE RUN SOUTH $00^{\circ}00'52''$ EAST FOR 50 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID PINE DRIVE AND WESTERLY LINE OF SAID COLONY WOOD APARTMENTS TO THE NORTHEASTERN CORNER OF LOT 18 OF SAID TOPFIELD SUBDIVISION AND THE INTERSECTION OF SOUTHERLY LINE OF SAID PINE DRIVE (TO BE VACATED) AND THE WESTERLY LINE OF SAID COLONY WOOD APARTMENTS; THENCE RUN NORTH $89^{\circ}29'14''$ WEST ALONG NORTH LINE OF SAID LOT 18 AND THE SOUTHERLY LINE OF SAID PINE DRIVE (RIGHT OF WAY TO BE VACATED) FOR 175.08 FEET TO A CURVE TO THE LEFT SUBTENDING A CENTRAL ANGLE OF $90^{\circ}31'38''$ AND HAVING A RADIUS OF 25.16 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 39.03 FEET AND SOUTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) TO THE END OF SAID CURVE, AND POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF PINE TREE CIRCLE AND EASTERLY LINE OF SAID PINE TREE DRIVE RIGHT OF WAY (TO BE VACATED); THENCE RUN NORTH $00^{\circ}00'52''$ WEST FOR 100.20 FEET ALONG THE EASTERLY RIGHT OF WAY OF PINE TREE CIRCLE AND WESTERLY RIGHT OF WAY LINE OF PINE DRIVE (TO BE VACATED) FOR 100.20 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) AND WESTERLY LINE OF SAID LOT 17, SAID POINT BEING A CURVE TO THE LEFT SUBTENDING A CENTRAL ANGLE OF $90^{\circ}21'30''$,

HAVING A RADIUS OF 24.84 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) FOR 39.17 FEET AND SOUTHERLY LINE OF SAID LOT 17 TO THE END OF SAID CURVE; THENCE RUN SOUTH 89°29'14" EAST FOR 175.08 FEET ALONG SAID SOUTHERLY LINE OF LOT 17, AND NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 10,270 SQUARE FEET OR 0.24 ACRES, MORE OR LESS.

The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Vestavia Hills may see fit to specify in a resolution of assent.

The said owner(s) do(es) further declare that after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

IN WITNESS, the undersigned have hereunto set their hands and seals, this the 15th day of December, 2020.



STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Diane Masters, a notary public in and for said County, in said State, hereby certify that John Boone whose name is signed to the foregoing declaration of vacation and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he/she/they executed the same voluntarily on the day same bears date.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 15th day of December, 2020.

Diane Masters

Notary Public

My Commission Expires August 25, 2021.



The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Vestavia Hills may see fit to specify in a resolution of assent.

The said owner(s) do(es) further declare that after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

IN WITNESS, the undersigned have hereunto set their hands and seals, this the 15th day of December, 2020.

John Boone

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Diane Masters, a notary public in and for said County, in said State, hereby certify that John Boone whose name is signed to the foregoing declaration of vacation and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he/she/they executed the same voluntarily on the day same bears date.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 15th day of December, 2020.

Diane Masters
Notary Public
My Commission Expires August 25, 2021.



DECLARATION OF VACATION

STATE OF ALABAMA)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,

COLONY WOODS HUNTERS WEST, LLC,
a Colorado limited liability company

and

FREG COLONY WOODS ASSOCIATES, LLP,
a Colorado limited liability partnership

as Tenants-in-Common

being the owner(s) of all lands abutting the portion of public way or ways hereinafter declared vacated, do(es) hereby declare vacated and divested out of the public the portion of portions of public way or ways described as follows, to-wit:

PART OF THE SOUTHWEST ¼ OF SOUTHEAST ¼ OF SECTION 17, RIGHT OF WAY OF PINE DRIVE IN TOPFIELD SUBDIVISION AS RECORDED IN MAP BOOK 42, PAGE 72 IN THE OFFICE OF PROBATE JUDGE OF JEFFERSON COUNTY, ALABAMA, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA

BEGIN AT THE SOUTHEASTERN CORNER OF LOT 17, TOPFIELD SUBDIVISION AS RECORDED IN MAP BOOK 42, PAGE 72 IN THE OFFICE OF PROBATE JUDGE OF JEFFERSON COUNTY, ALABAMA; SAID CORNER BEING ON THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF PINE DRIVE AND WESTERLY LINE OF COLONY WOOD APARTMENTS AS RECORDED IN MAP BOOK 170, PAGE 72; THENCE RUN SOUTH 00°00'52" EAST FOR 50 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID PINE DRIVE AND WESTERLY LINE OF SAID COLONY WOOD APARTMENTS TO THE NORTHEASTERN CORNER OF LOT 18 OF SAID TOPFIELD SUBDIVISION AND THE INTERSECTION OF SOUTHERLY LINE OF SAID PINE DRIVE (TO BE VACATED) AND THE WESTERLY LINE OF SAID COLONY WOOD APARTMENTS; THENCE RUN NORTH 89°29'14" WEST ALONG NORTH LINE OF SAID LOT 18 AND THE SOUTHERLY LINE OF SAID PINE DRIVE (RIGHT OF WAY TO BE VACATED) FOR 175.08 FEET TO A CURVE TO THE LEFT SUBTENDING A CENTRAL ANGLE OF 90°31'38" AND HAVING A RADIUS OF 25.16 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR 39.03 FEET AND SOUTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) TO THE END OF SAID CURVE, AND POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF PINE TREE CIRCLE AND EASTERLY LINE OF SAID PINE TREE DRIVE RIGHT OF WAY (TO BE VACATED); THENCE RUN NORTH 00°00'52" WEST FOR 100.20 FEET ALONG THE EASTERLY RIGHT OF WAY OF PINE TREE CIRCLE AND WESTERLY RIGHT OF WAY LINE OF PINE DRIVE (TO BE VACATED) FOR 100.20 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) AND WESTERLY LINE OF SAID LOT 17, SAID POINT BEING A CURVE TO THE LEFT SUBTENDING A CENTRAL ANGLE OF 90°21'30", HAVING A RADIUS OF 24.84 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) FOR 39.17 FEET AND SOUTHERLY LINE OF SAID LOT 17 TO THE END OF SAID CURVE; THENCE RUN SOUTH 89°29'14" EAST FOR 175.08 FEET ALONG SAID SOUTHERLY LINE OF LOT 17, AND NORTHERLY RIGHT OF WAY OF PINE DRIVE (TO BE VACATED) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 10,270 SQUARE FEET OR 0.24 ACRES, MORE OR LESS.

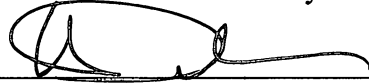
The vacation hereinabove declared shall be subject to such conditions and reservations for the

benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Vestavia Hills may see fit to specify in a resolution of assent.

The said owner(s) do(es) further declare that after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

IN WITNESS, the undersigned have hereunto set their hands and seals, this the 12th day of January, 2020.

COLONY WOODS HUNTERS WEST, LLC,
a Colorado limited liability company



By: (SEAL)


Marc Swerdlow
Vice President
Forum Management, Inc.
a Colorado corporation
its Manager

ACKNOWLEDGMENT

STATE OF Colorado)
COUNTY OF Arapahoe)

I, a notary public in and for said County; in said State, hereby certify that Marc Swerdlow whose name as Vice President of Forum Management, Inc., a Colorado corporation, Manager of Colony Woods Hunters West, LLC, a Colorado limited liability company, is signed to the foregoing declaration of vacation and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he/she/they-, as such officer and with full authority, executed the same voluntarily and as the act of said limited liability company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 12th day of January, 2020.



Notary Public

Print Name: Luke Davis
My Commission Expires 4/27/21

LUKE B. DAVIS
Notary Public
State of Colorado
Notary ID # 20094013222
My Commission Expires 04-27-2021

16, 17 and 18

Topfield Resurvey of Lots 16, 17, and 18
 Being a resurvey of Lot 15, 16, 17 of
 Topfield Subdivision, Map Book 42, Page 72 in the Probate Judge's Office
 of Jefferson County, Alabama, Section 17, 1/4 of Section 17, Township 18 South,
 Range 2 West, Jefferson County, Al.



STATE OF ALABAMA
 JEFFERSON COUNTY

THE UNDERSIGNED, JOSEPH A. MILLER, III, A REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR, STATE OF ALABAMA, AND JOHN BOONE
 OWNER, HEREBY CERTIFY THAT THIS PLAN OR MAP WAS MADE PURSUANT TO A SURVEY MADE BY SAID SURVEYOR AND THAT SAID SURVEY AND THIS
 KNOWING AND OR TO BE KNOWN AS TO THE KNOWING OF SAID SURVEYOR OF LOT 16, 17, AND 18 SHOWING SUBDIVISION INTO WHICH IT IS PROPOSED TO DIVIDE SAID LANDS
 ON THE EAST AND WEST SIDES OF THE PROPOSED 50' STREET ROW AND THE CENTER LINE THEREOF, ALLING AND PUBLIC CONDUITS,
 LOTS TO THE FOREWARD EASEMENT RECORDED IN MAP BOOK 42, PAGE 72 IN THE OFFICE OF THE PROBATE JUDGE OF JEFFERSON COUNTY, AL.
 ON SAID PLAN OR MAP, SAID OWNERS FURTHER CERTIFY THAT THEY ARE THE OWNERS OF SAID PROPERTY AND THAT THE SAME ARE NOT SUBJECT
 CURRENT REQUIREMENTS OF THE STANDARD OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF HIS KNOWLEDGE,
 INFORMATION AND BELIEF.

SURVEYOR:

BY: JOSEPH A. MILLER, III, PE, PLS
 A.L. NO. 17534
 August 13th, 2020

OWNER: JOHN BOONE

BY: JOHN BOONE
 Mortgage # BANK HERE IF NEEDED

DATED: _____ DATE: _____

APPROVED IN FORMAN ONLY: _____ DATE: _____

CHAIRMAN, VERVANIA HILLS PLANNING COMMISSION

CITY CLERK, CITY OF VERVANIA HILLS _____ DATE: _____

CITY ENGINEER, CITY OF VERVANIA HILLS _____ DATE: _____

NOTES:

1. UNLESS OTHERWISE SHOWN OR STATED ALL EASEMENTS SHOWN HEREON ARE FOR STORM SEWER,
 PUBLIC UTILITY, OR DRAINAGE PURPOSES AND ARE TO BE MAINTAINED AND KEPT OPEN AND UNOCCUPIED
 AND WITHOUT THIS SUBDIVISION.

2. THE LOT OWNERS/BUYER SHALL USE AND MAINTAIN APPROPRIATE METHODS, WHETHER PAVED, UNPAVED,
 DRAINAGE PROBLEMS WITHOUT ADVERSELY AFFECTING ADJACENT LOTS.

STATE OF ALABAMA
 JEFFERSON COUNTY

1. THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT
 I AM A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, AND THAT I AM THE UNDERSIGNED
 AND AS THE ACT OF SAID CORPORATION.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

STATE OF ALABAMA
 JEFFERSON COUNTY

1. THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY
 CERTIFY THAT JOHN BOONE, WHOSE NAME IS SIGNED TO THE FOREWARD CERTIFICATE
 DULY INPOWERED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY,
 GIVEN UNDER MY HAND AND SEAL, THIS _____ DAY OF _____, 2020.

NOTARY PUBLIC: _____ MY COMMISSION EXPIRES: _____

NOTE:

JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS
 NOTED ON THIS PLAN ARE IN ACCORDANCE WITH THE ENVIRONMENTAL SERVICES DEPARTMENT'S
 NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE.

AFTER THIS DATE HAS BEEN APPROVED.

APPROVED: _____ DATE: _____

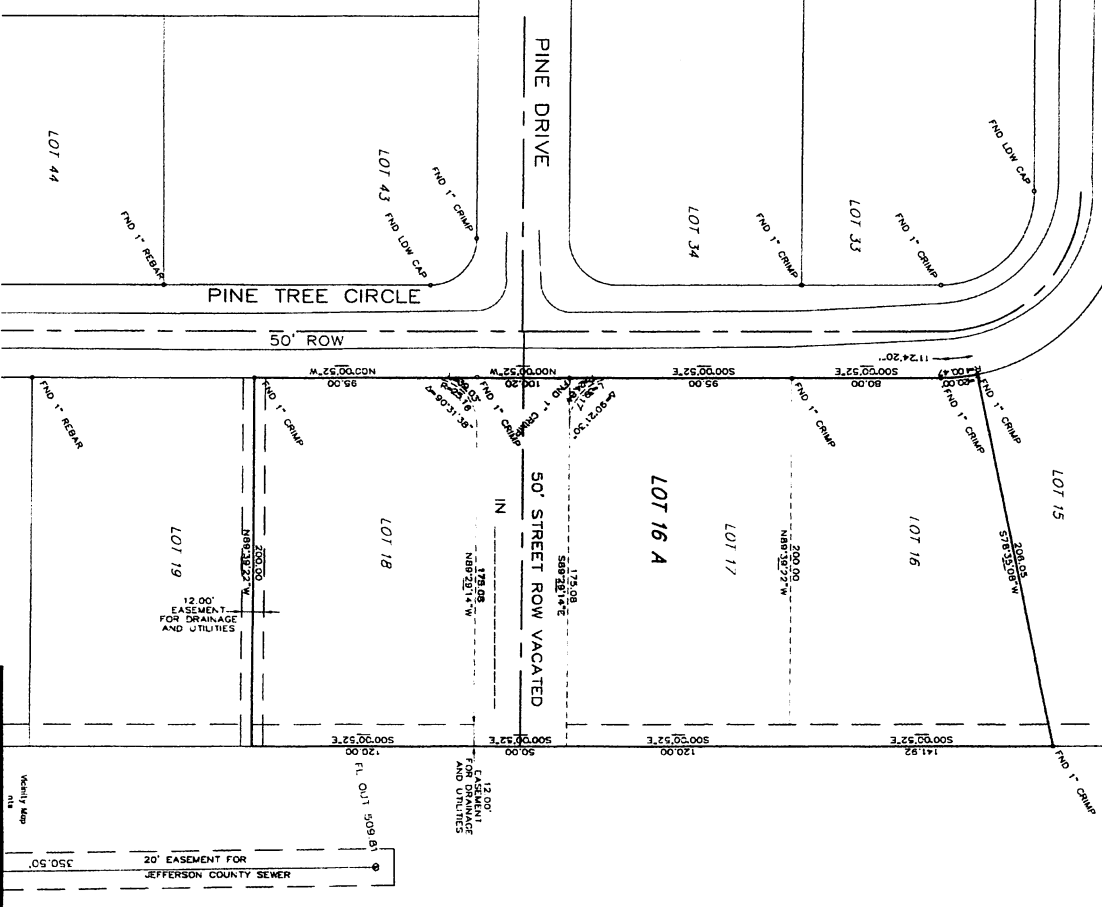
DIRECTOR OF ENVIRONMENTAL SERVICES
 FOR RECORDING PURPOSES ONLY

NOTES:

UNLESS OTHERWISE SHOWN OR STATED ALL EASEMENTS SHOWN HEREON ARE
 FOR STORM SEWERS, SANITARY SEWERS, PUBLIC UTILITIES OR DRAINAGE AND EGRESS, AND
 ARE TO BE MAINTAINED AND KEPT OPEN AND UNOCCUPIED AND WITHOUT THIS SUBDIVISION.

2. THE LOT OWNERS/BUILDER SHALL USE AND MAINTAIN APPROPRIATE METHODS, BUILDING
 SITES AND SURFACE OR SUBSURFACE DRAINAGE PROBLEMS WITHOUT ADVERSELY
 AFFECTING ADJACENT LOTS.

3. THE LOT OWNERS/BUILDER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE
 APPROPRIATE AGENCIES AND AGENCIES BEFORE CONSTRUCTION OF THE PROJECT.



<p>DATE</p> <p>REVISION</p>	<p>1</p>
	<p>2</p>

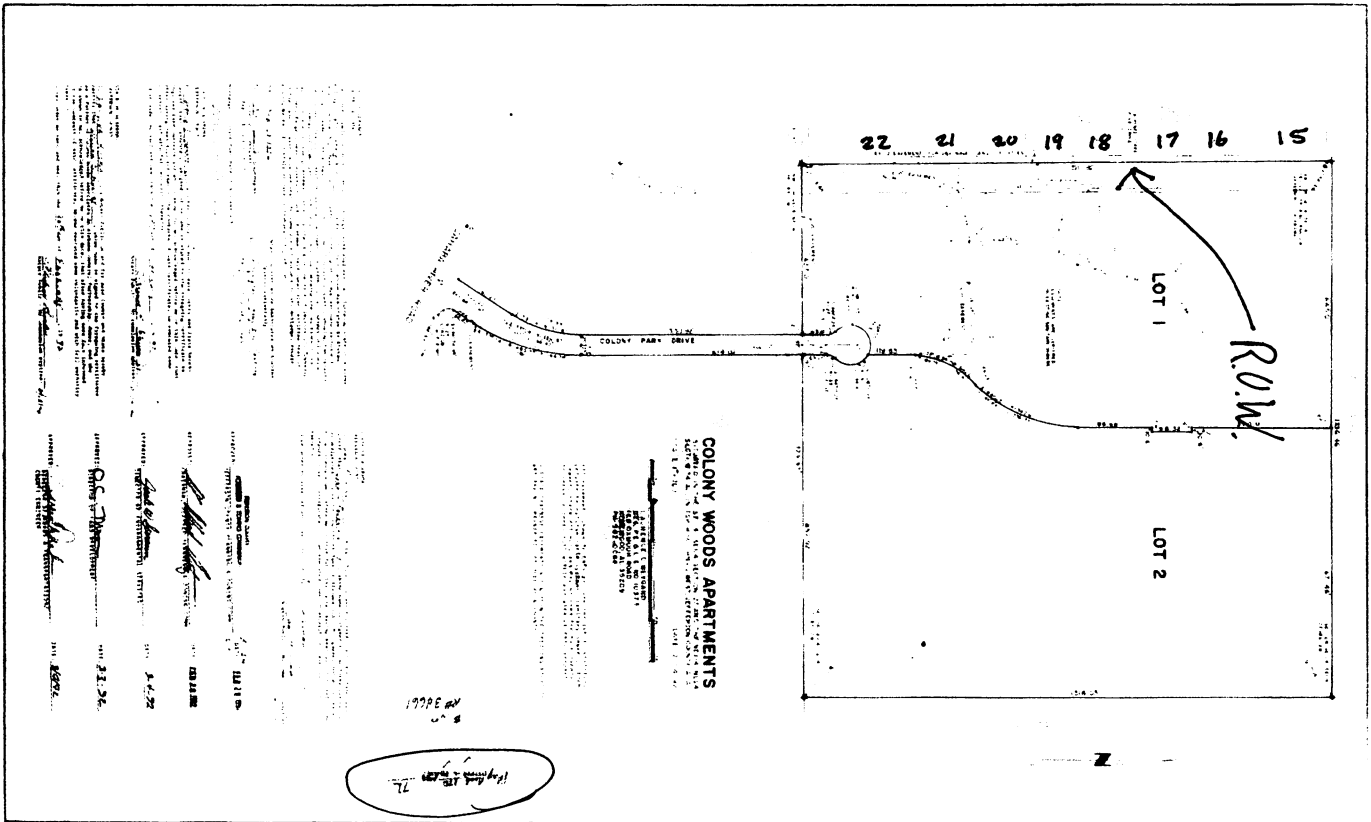
PROJECT

Topfield Resurvey of Lots 16, 17, and 18

Being a resurvey of Lot 15, 16, 17 of
 Topfield Subdivision Map Book 42, Page 72
 Located 58 1/4 of SE 1/4 of Section 17, Township 18 South,
 Range 2 West, City of Vestavia Hills, Jefferson County, Al.

MR

MTR
 ENGINEERS, INC.
 CONSULTING ENGINEERS—LAND SURVEYORS
 2500 VALLEYDALE RD. ST. 100 HOOVER, AL 35242
 TELEPHONE (205) 326-0114



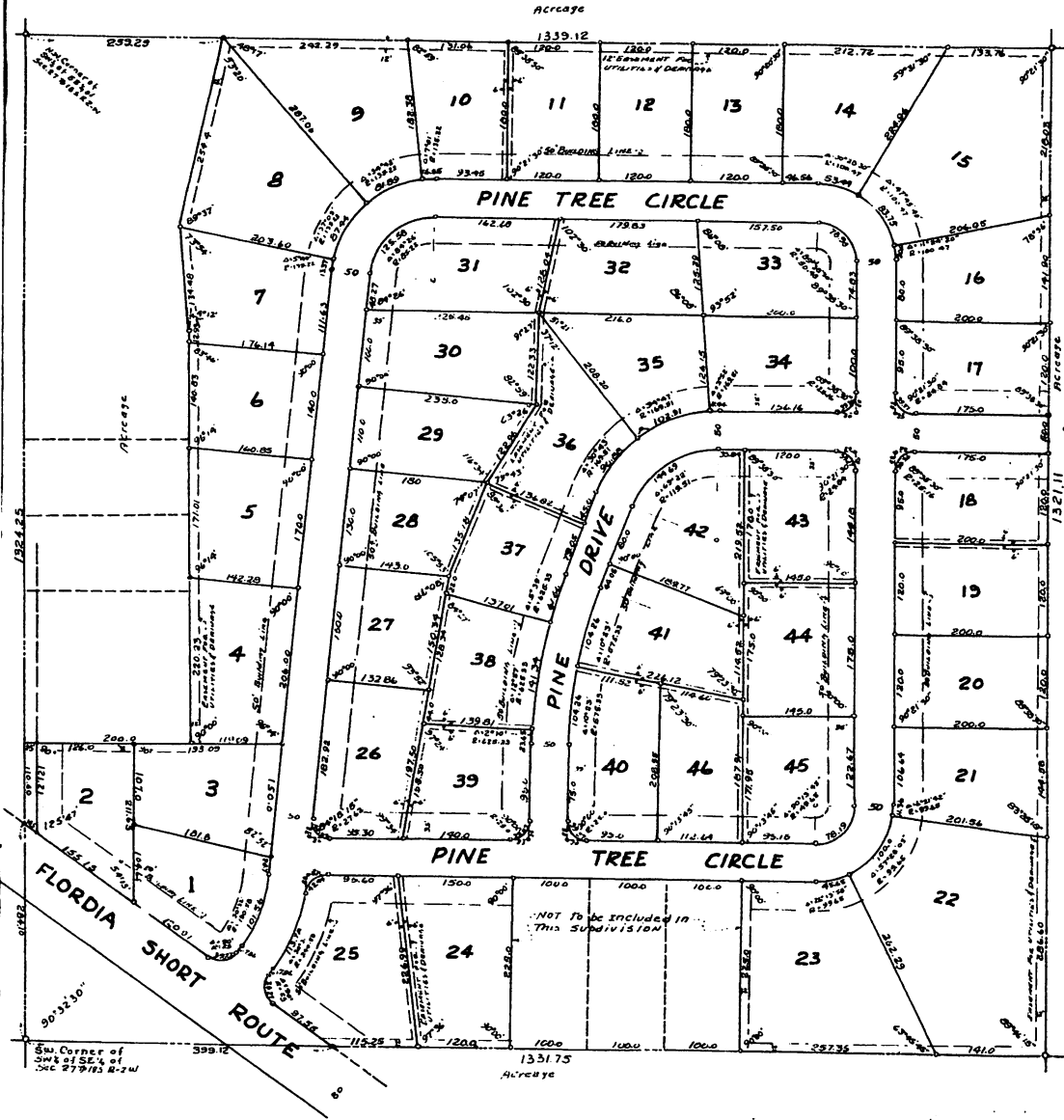
COLONY WOODS APARTMENTS

PLANNED BY
 DEVELOPED BY
 ARCHITECT
 ENGINEER

[Faded text, likely project details or specifications]

[Faded text, likely project details or specifications]

TOPFIELD SUBDIVISION
 LOCATED IN SW¼ OF SE¼ OF SEC. 27-T-18-S. R-2-WEST
 MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'



← Area to be Vacated

STATE OF ALABAMA
 JEFFERSON COUNTY

We the undersigned A. W. Meade, as surveyor and Herbert Acton, as owner of the land set forth and described on this map or plat hereby certify that the foregoing is a true and correct plat showing the width and length of each street road or other public way, the number and dimensions of each lot, its relation to adjoining subdivisions or acreage, and showing the relation of the land so platted to the Government survey of section 27 township 18 south range 2 west, in Jefferson County Alabama.

witness our hands: this the 31st day of March, 1955

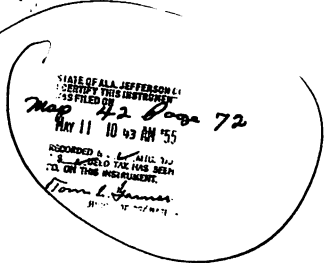
A. W. Meade
 Surveyor State reg. #1101
Herbert Acton
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I Edna H. Stead a notary public in and for said County and State hereby certify that Herbert Acton, whose name is signed to the foregoing certificate as owner, and who is known to me acknowledged before me on this day, that being informed of the contents of said certificate, he as such owner and with full authority executed the same voluntarily on the day the same bears date.

Witness under my hand and seal;
 this the 31st day of March, 1955
 JEFFERSON COUNTY
Edna H. Stead
 Notary Public

PLANNING & ZONING COMMISSION
 HOW COUNTY RECORDS
 BIRMINGHAM 8, ALABAMA
 APPROVED D. A. Holm
 County Highway Engineer,
 4/19/55



2 Industrial Park Drive
Pelham, Alabama 35124

Tel 1.800.245.2244



APC Document# 72254495-001

June 16, 2020

John Boone
Birmingham, AL

RE: Proposed vacation of the approximately 45-foot by 205 foot Unimproved Right of Way as shown on the Plat for Topfield Subdivision lying South of Lot 17 and North of Lot 18, lying in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 West, and recorded in Map Book 42, Page 72 in the Office of the Judge of Probate, Jefferson County, Alabama.

Mr. Boone,

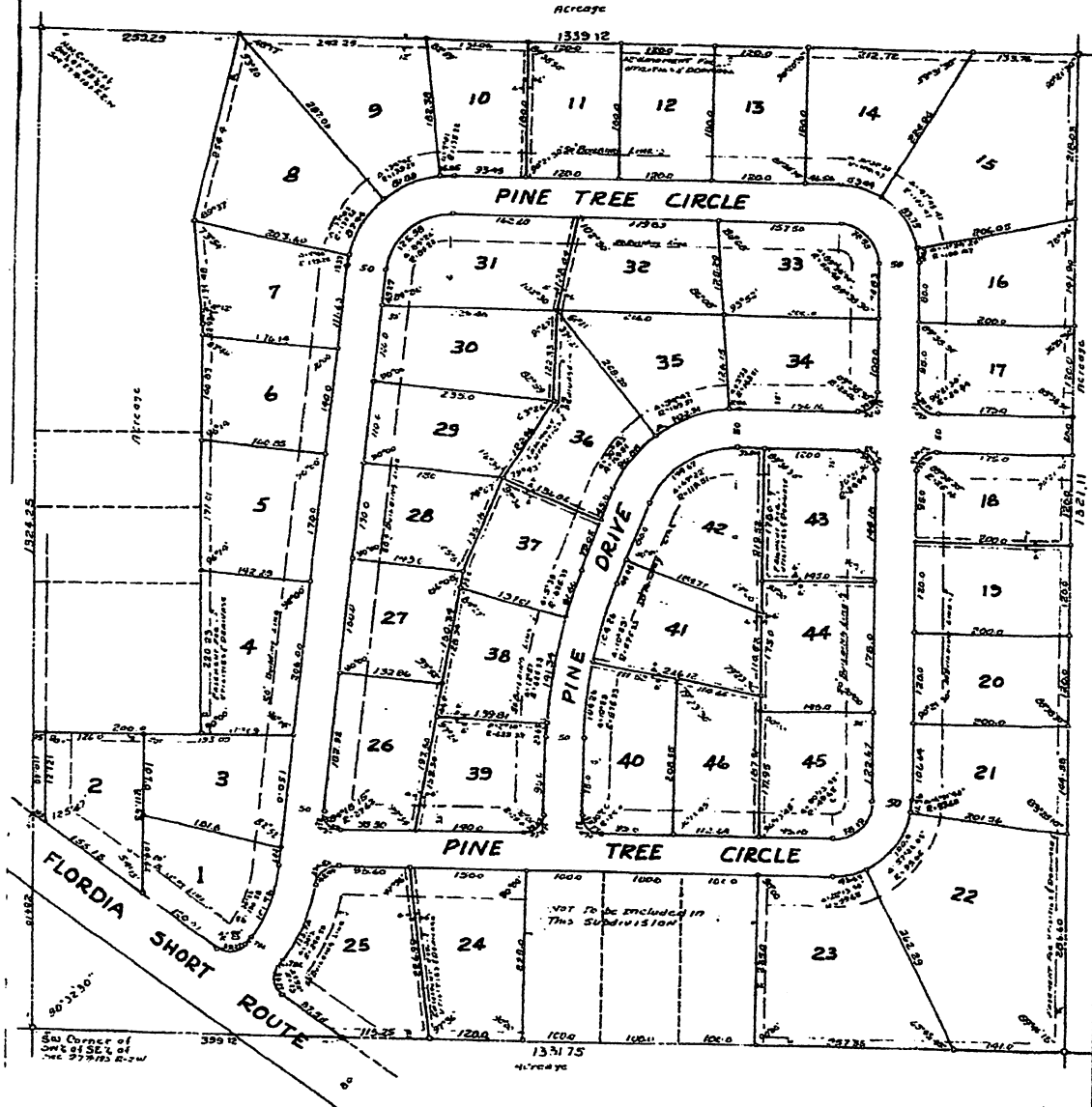
Alabama Power Company presently has no facilities (and makes no claim of any being there) and has no objection to the vacation of above said Unimproved Right of Way.

However, should the need arise in the future for any power line to be installed on the property described above, Alabama Power Company will acquire the necessary rights of way from the owner of record on that date.

Sincerely,

Dean Fritz
Real Estate Specialist
Corporate Real Estate
Alabama Power Company

TOPFIELD SUBDIVISION 72254495-001
 LOCATED IN SW¼ OF SE¼ OF SEC. 27-T-18-S. R-2-WEST
 MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'



STATE OF ALABAMA
 JEFFERSON COUNTY

Be the undersigned A. W. Meade, as surveyor and Herbert Acton, as owner of the land set forth and described on this map or plat hereby certify that the foregoing is a true and correct plat showing the width and length of each street road or other public way, the number and dimensions of each lot, its relation to adjoining subdivision's or acreage, and showing the relation of the land so platted to the Government survey of section 27 township 18 south range 2-west, in Jefferson County Alabama.

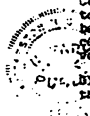
witness our hands: this the 31st day of March, 1955

A. W. Meade
 Surveyor State reg. #1101

Herbert Acton
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I, Eston H. Stead, a notary public in and for said County and State hereby certify that Herbert Acton, whose name is signed to the foregoing certificate as owner, and who is known to me acknowledged before me on this day, that being informed of the contents of said certificate, he as such owner and with full authority executed the same voluntarily on the day the same bears date.



Witness under my hand and seal;
 this the 31st day of March, 1955

Eston H. Stead
 Notary Public

PLANNING & ZONING COMMISSION
 BIRMINGHAM 8, ALABAMA

APPROVED D. G. Holcomb
 County Highway Engineer.
 4/19/55

FILED IN ALABAMA JEFFERSON COUNTY
 THIS INSTRUMENT IS FILED ON
 Map 42 Page 72
 MAR 11 10 43 AM '55

RECORDED BY Tom L. James
 4/19/55



Spire Inc.
2101 6th Avenue North
Birmingham, AL 35203

formerly Alagasco

June 12, 2020

Matthew Deason

RE: Pine Tree Circle ROW vacate request

Dear Mr. Deason,

In response to your email dated June 9, 2020 relative to the above referenced proposed request to vacate the undeveloped road platted between lots 17 and 18 on Pine Tree Circle in the city of Vestavia Hills.

Please be advised that Spire Alabama Inc. has no facilities located within the area which is requested to be vacated.

Sincerely,

A handwritten signature in black ink that reads "Tod J. Fagan". The signature is written in a cursive, flowing style.

Tod J. Fagan
Manager, Right of Way
Spire Alabama Inc.

TJF:jw
cc: Mr. Jeff Watson



**BIRMINGHAM
WATER WORKS**

June 25, 2020

#618

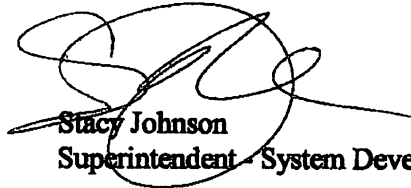
John Boone
2930 Pahokee Trace
Birmingham, AL 35243

Dear Mr. Boone:

You may present this letter to interested parties as evidence that The Water Works Board of the City of Birmingham has no existing facilities within that portion of Pine Tree Circle right-of-way located between lots 17 & 18 proposed to be vacated, situated in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 West, located in the City of Vestavia Hills, Alabama. Therefore, the Water Board has no objection to the vacation of said right-of-way.

Should you have questions or need additional information, please feel free to contact Ms. Antris Betts, Systems Development Aid III – System Development, at (205) 244-4262; or you may contact Ms. Betts via email at antris.betts@bwwb.org.

Very truly yours,



Stacy Johnson
Superintendent - System Development

AB/
D.P. 448-3

I:\amp; SAJ\WAL LTR 2019.2020 drafts\John Boone letter of vacate Pine Tree Circle J- 448-3 6 25 20.doc



AT&T – Alabama
3196 Highway 280
Room 102N
Birmingham, AL 35243

T: 205.258.4176
F: 205.972.2105
www.att.com

June 22, 2020

John Boone
4545 Pine Tree Circle
Birmingham, AL 35243

Dear Mr. Boone,

You may present this letter to interested parties as evidence that BellSouth Telecommunications dba AT&T-Alabama has no facilities within the Right-of-Way located between lot 17 and lot 18 on Pine Tree Circle, Birmingham, AL in the Topfield Subdivision that is to be vacated. AT&T – Alabama agrees to vacate said Right-of-Way.

The Right-of-Way between lot 17 and lot 18 Birmingham, AL to be vacated is situated in Section 27, Township 18 South, Range 2 West, Jefferson County, Alabama as indicated in Exhibit A attached.

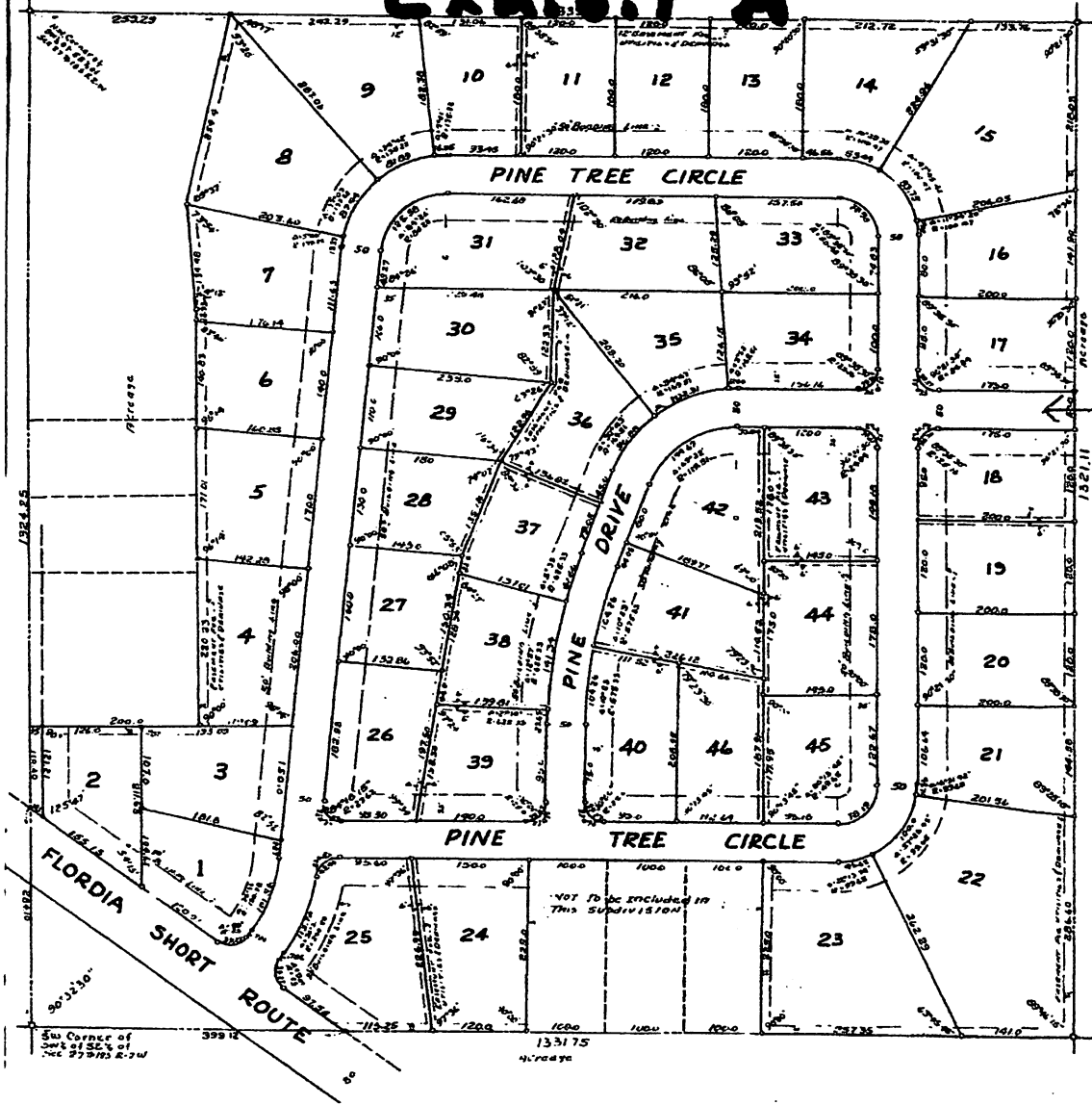
Should you have questions or need additional information please feel free to contact me at (205) 258-4176 or email ch0568@att.com.

Yours truly,

Corey A. Howe
ROW – Alabama

TOPFIELD SUBDIVISION
 LOCATED IN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SEC. 27-T-18-S. R-2-WEST
 MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'

Exhibit A



STATE OF ALABAMA
 JEFFERSON COUNTY

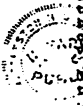
We the undersigned A. W. Meade, as surveyor and Herbert Acton, as owner of the land set forth and described on this map or plat hereby certify that the foregoing is a true and correct plat showing the width and length of each street road or other public way, the number and dimensions of each lot, its relation to adjoining subdivisions or acreage, and showing the relation of the land so platted to the Government survey of section 27 township 18 south range 2-west, in Jefferson County Alabama.

witness our hands: this the 31st day of March, 1955

A. W. Meade
 Surveyor State Reg. #1101
Herbert Acton
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I Edwin H. Stead a notary public in and for said County and State hereby certify that Herbert Acton, whose name is signed to the foregoing certificate as owner, and who is known to me acknowledged before me on this day, that being informed of the contents of said certificate, he as such owner and with full authority executed the same voluntarily on the day the same bears date.



Witness under my hand and seal:
 this the 31st day of March, 1955
Edwin H. Stead
 Notary Public

PLANNING & ZONING COMMISSION
 205 COURT HOUSE
 BIRMINGHAM 2, ALABAMA
 APPROVED D. C. McNeill
 County Highway Engineer,
 4/14/55

MADE BY A.L.A. JEFFERSON COUNTY
 CERTIFIED TO THE COMMISSION
 Map 72 Page 72
 FEB 11 10 43 AM '55
 RECORDED 5:41 AM '55
 TOWN & COUNTY ENGINEER
 TOWN & COUNTY ENGINEER



July 8, 2020

John Boone
Property Owner
Pine Tree Circle Development
4545 Pine Tree Circle
Vestavia Hills, AL 35216

RE: Proposed vacation of the approximately 45-foot by 205 foot Unimproved Right of Way as shown on the Plat for Topfield Subdivision lying South of Lot 17 and North of Lot 18, lying in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 West, and recorded in Map Book 42, Page 72 in the Office of the Judge of Probate, Jefferson County, Alabama

Dear Mr. Boone

Spectrum does not have a conflict with SAID Proposed vacation of the approximately 45-foot by 205 foot Unimproved Right of Way as shown on the Plat for the Topfield Subdivision lying South of Lot 17 and North of Lot 18, lying in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 West, and recorded in Map Book 42, Page 72 in the Office of the Judge of Probate, Jefferson County, Alabama. If you have any questions or concerns please feel free to contact myself Joe Fry at (205) 573-6707 (office) or 205-603-2060 (Cell). In addition, Construction Coordinator Jeffrey Edwards at (205) 356-0765

Sincerely,

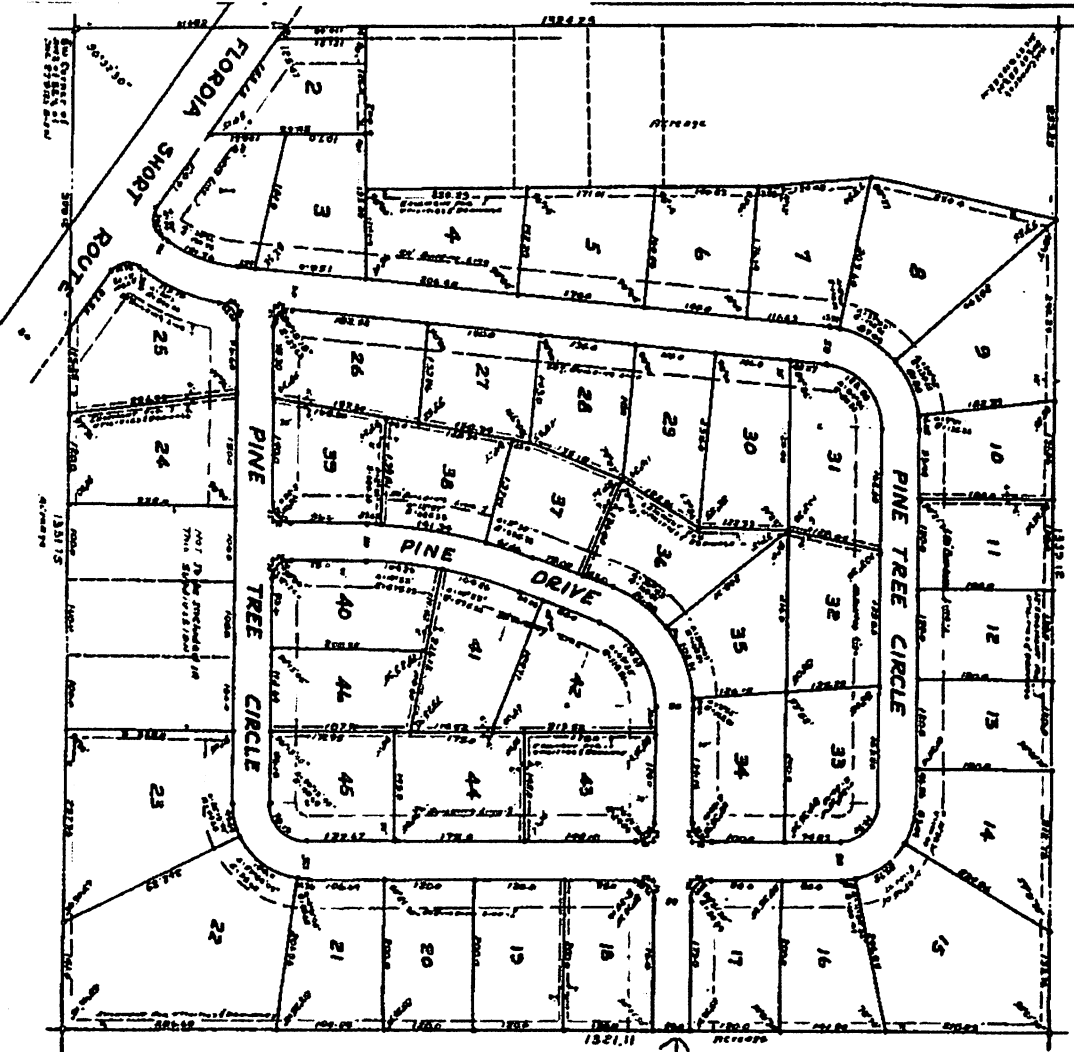
Spectrum

Joe Fry

Construction Supervisor

A handwritten signature in black ink that reads "Joe Fry".

EXHIBIT A
TOPFIELD SUBDIVISION
 LOCATED IN SW¼ OF SEC. 27-T14-R15, R-2-WEST
 MARCH, 1955 R.W. MEADE, SURVEYOR SCALE 1"=100'



STATE OF ALABAMA
 JEFFERSON COUNTY

In the underwritten A. B. Meade as Surveyor and Herbert Arthur's owner of the land setforth and described on this map or plat hereby certify that the foregoing is a true and correct plat showing the sides and length of each street, road or highway and showing the location of each lot, tract, piece or parcel of land, and the location and bearing the relation of the land so platted to the Government survey or section of township is south range 45 west in Jefferson County Alabama, situate our books: this the 21st day of March 1955

R. W. Meade
 Surveyor State Reg. 21101

Herbert Arthur
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I, Edgar H. Stearns, notary public in and for said County and State hereby certify that Herbert Arthur, whose name is signed above on this day that being informed of the contents of said certificate, he as each owner and with full authority executed the same voluntarily on the day the same bears date.
 Witness my hand and seal: _____ 1955
 Notary Public in and for said County and State

APPROVED: _____
 County Highway Engineer

RECORDED
 MAR 11 10 43 AM '55
 72

JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS - PRESIDENT
LASHUNDA SCALES
SHELIA TYSON
STEVE AMMONS
T. JOE KNIGHT


TONY PETELOS

CHIEF EXECUTIVE OFFICER

DAVID DENARD
Director of Environmental Services Department
SUITE A300
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203
Telephone (205) 325-5496
FAX (205) 325-5981

MEMORANDUM

TO: James F. Henderson, Jr
County Property Manager

FROM: David Denard, Director 
Environmental Services Department

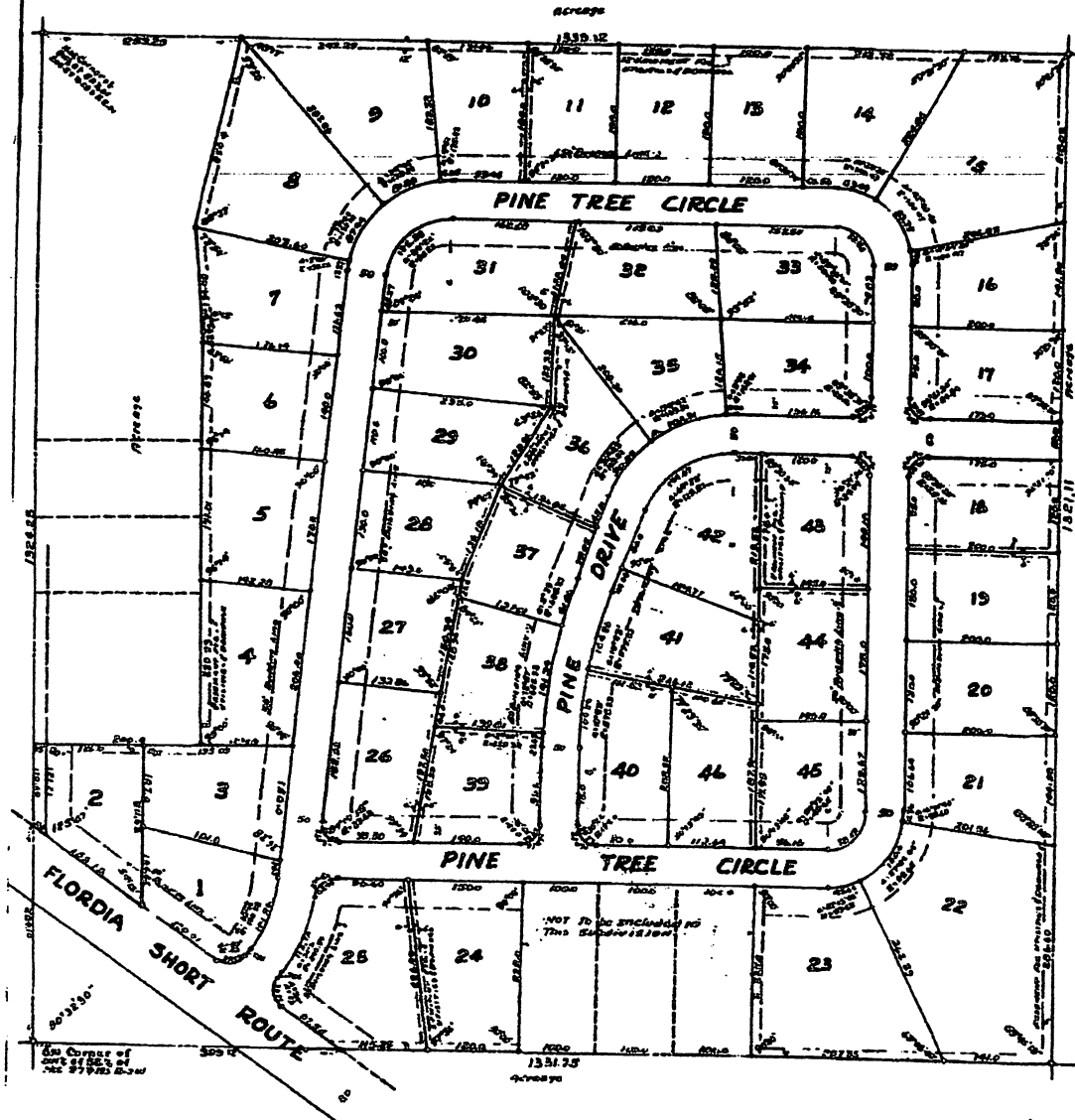
DATE: July 7, 2020

RE: Proposed Vacation of Pine Tree Drive, City of Vestavia
Map Book 42 Page 72 (SW-SE-27-18S-2W)

This responds to your memorandum dated July 6, 2020 regarding the request for a partial vacation of an existing Road Right-of-Way located within the above referenced property. (said easement highlighted in yellow on enclosed drawing) It appears, to the best of our knowledge, that no County maintained sanitary sewers exist within said portion of public road right of way. Based on the aforementioned, we have no objection to the partial vacation of said public road right of way insofar as sanitary sewers are concerned. This memorandum should not be construed that this department warrants the accuracy of information provided to us by others.

cc: Emily Kemp, ESD
Ben Pate, ESD
File

TOPFIELD SUBDIVISION
 LOCATED IN SW¹ & SE¹ OF SEC. 27-T-18-S. R-2-WEST
 MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'



STATE OF ALABAMA
 JEFFERSON COUNTY

To the undersigned A. W. Meade, as surveyor and Herbert Acton, as owner of the land hereinafter described on this map or plat hereby certify that the foregoing is a true and correct plat showing the width and length of each street road or other public way, the number and dimensions of each lot, its relation to adjoining subdivisions or acreage, and showing the relation of the land so platted to the Government survey of section 27 township 18 south range 2 west in Jefferson County Alabama.

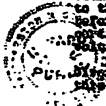
witness our hands: this the 31st day of March, 1955

A. W. Meade
 Surveyor State reg. #1101

Herbert Acton
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I, Edna H. Stead, a notary public in and for said County and State hereby certify that Herbert Acton, whose name is signed to the foregoing certificate as owner, and who is known to me as acknowledged before me on this day, that being informed of the contents of said certificate, do as such owner and with full authority executed the same properly on the day the same bears date.



Witness under my hand and seal:
 this the 31st day of March, 1955

Edna H. Stead
 Notary Public

APPROVED: D. A. Holcomb
 County Highway Engineer.
 4/14/55

RECORDED IN BOOK 72
 PAGE 11
 APR 11 1955

RECORDED IN BOOK 72
 PAGE 11
 APR 11 1955

THOMAS L. JENNINGS
 COUNTY CLERK

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

February 19, 2021

To: Rebecca Leavings, City Clerk

CC: Brian Davis, Director of Public Services

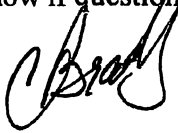
From: Christopher Brady, City Engineer

RE: vacation of a portion of right-of-way -- Pine Drive at Pine Tree Circle

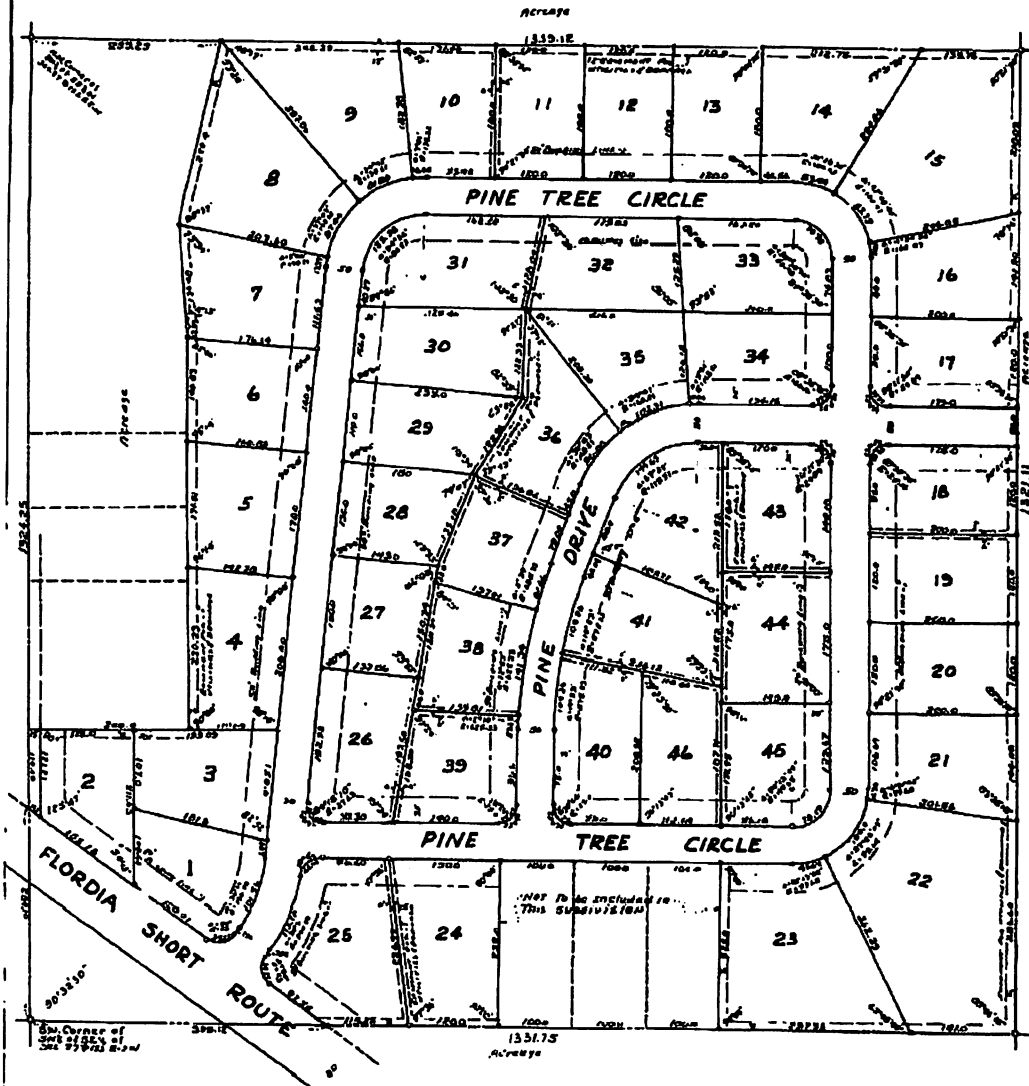
I have reviewed the requested vacation and hereby provide favorable recommendation for approval.

Please let me know if questions,

Sincerely,
-Christopher



TOPFIELD SUBDIVISION
 LOCATED IN SW¼ OF SE¼ OF SEC. 27-7-18-S. R-2-WEST
 MARCH, 1955 A.W. MEADE, SURVEYOR SCALE 1"=100'



Area to be vacated

STATE OF ALABAMA
 JEFFERSON COUNTY

We the undersigned A. W. Meade, as surveyor and Herbert Acton, as owner of the land set forth and described on this map or plat hereby certify that the foregoing is a true and correct plat showing the width and length of each street road or other public way, the number and dimensions of each lot, its relation to adjoining subdivisions or acreage, and showing the relation of the land so platted to the Government survey of section 27 township 18 south range 2-west in Jefferson County Alabama.

witness our hands: this the 31st day of March, 1955

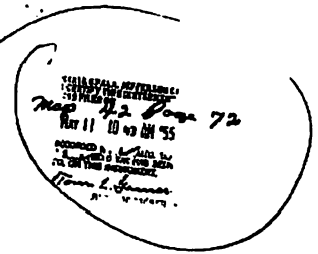
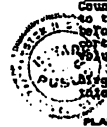
A. W. Meade
 Surveyor State Reg. #1101
Herbert Acton
 Owner

STATE OF ALABAMA
 JEFFERSON COUNTY

I, Edwin H. Starn, a notary public in and for said County and State hereby certify that Herbert Acton, whose name is signed to the foregoing certificate as owner, and who is known to me acknowledged before me on this day, that being informed of the contents of said certificate, be as such owner and with full authority executed the same personally on the day the same bears date.

Witness under my hand and seal:
 this the 31st day of March, 1955
 JEFFERSON COUNTY
 PLANNING & ZONING COMMISSION
 ONE COUNTY HOUSE
 BIRMINGHAM 8, ALABAMA
Edwin H. Starn
 Notary Public

APPROVED: Ed P. Williams
 County Highway Engineer,
 3/19/55



RESOLUTION NUMBER 5306

**A RESOLUTION DETERMINING THE VALUE OF VACATED
RIGHT-OF-WAY**

WHEREAS, on the 12th of April, 2021, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Resolution Number 5305, vacating a portion of rights-of-way pursuant to the provisions of Section 23-4-20 of the Code of Alabama, 1975; and

WHEREAS, Section 11-49-6, Code of Alabama, 1975 requires: *“as a condition of exercise of such power to vacate, the governing body may require abutting landowners who will directly benefit from such vacation to pay to such municipality a vacation of right-of-way fee equal to the fair market value of the land which will be added to the holdings of such abutting landowners”*; and

WHEREAS, Section 11-49-6, Code of Alabama, 1975 further requires that: *“In no event shall the said vacation of right-of-way fee exceed the assessed value per square foot of all subdivision lots or tracts abutting the right-of-way to be vacated applied to square foot area of real property to be added to the holdings of each abutting landowner paying such fee; provided, however, the determination of such a fee in a lesser amount by the governing body of the municipality shall be conclusive as to its amount”*; and

WHEREAS, the terms of this Resolution shall be based upon the following definitions:

- (1) the “fair market value” of the property is the value of the land as determined by the Jefferson County Board of Equalization; and
- (2) the “assessed value” of the property is determined by the classification of the property (i.e. “Class 1” residential, owner-occupied; “Class 2” residential, non-owner-occupied)

WHEREAS, an analysis of the future use of the property along with a required rezoning and platting in which this private property will be offered for development by the private developer, owner of both adjacent properties; and

WHEREAS, the applicant has requested and the City Council has approved the vacation of said portion of right-of-way at a value of \$4,333.94; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept the recommendation of the City Manager and determine the value set at \$4,334.94.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The Council has determined that the value of the property vacated in Resolution Number 5069 is calculated at an amount equivalent to \$4334.94; and
2. Said value along with all cost of advertising pursuant to Alabama law shall be remitted to the City Clerk prior to filing said vacation in the Office of the Judge of Probate of Jefferson County; and
3. Said Resolution Number 5306 shall become effective immediately upon adoption and approval and posting/publishing as required by Alabama law.

ADOPTED and APPROVED this the 12th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5314

A RESOLUTION DECLARING THAT A WATER LEAK AT CITY HALL IS AN EMERGENCY THAT REQUIRES IMMEDIATE REPAIR AND AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM TRINITY CONTRACTORS TO REPAIR SAID LEAK

WHEREAS, an underground water leak was identified at the Vestavia Hills City Hall; and

WHEREAS, the Public Services Director obtained a proposal for said repairs from Trinity Contractors for the excavation and repair of approximately 4’ of piping located 4’ in the ground and refilled to grade at an expense of \$9,800; and

WHEREAS, a copy of said proposed is marked as Exhibit A, attached to and incorporated into this Resolution Number 5314; and

WHEREAS, the Mayor and City Council recognize and agree that said repair constitutes an emergency situation, that the proposal should be accepted and that the City Manager shall take all actions necessary to repair the leak as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The Mayor and City Council have hereby deemed this repair to constitute an emergency situation; and
2. The City Manager is hereby authorized to accept and execute the proposal submitted by Trinity Contractors in the amount of \$9,800 and take all further actions to ensure that the leak is repaired and the area restored; and
3. This Resolution Number 5314 is effective immediately following adoption and approval.

ADOPTED and APPROVED this the 12th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



561 Simmons Drive
Trussville, AL 35173
Phone: 205.655.5099
Fax: 205.655.5085
www.trin.com

Proposal Submitted To:

City of Vestavia Hills

Work To Be Performed At:

1032 Montgomery Hwy
Vestavia Hills, Al, 35216

SCOPE OF WORK:

We submit specifications and estimates and propose to furnish all labor and materials to complete the following work:

Excavate at the located leak down approximately 4 feet deep and make a proper repair. This proposal is a spot repair and covers Approximately 4 feet of piping. Note: the excavation will be filled to grade and the landscaping will not be part of this proposal. Also this proposal is for after hours.

All materials are guaranteed to be as specified, and the above work completed in a substantial, workmanlike manner for the sum of (\$ 9,800.00) with payment due net 30 days.

If payment is not made upon terms listed above, interest will accrue on the unpaid balance at the interest rate of 1-1/2% per month, and attorney fees or costs of collection of 33% of the balance due may be added in the event of the employment of an attorney or collection agency. Any claim, dispute, or other matter in question relating to this agreement or the work shall be governed by the laws of the State of Alabama. Furthermore, unless otherwise deemed necessary by Trinity Contractors LLC all matters of the above nature will be filed specifically within Jefferson County Alabama.

Any alteration or deviation from the above specifications involving extra costs, or anything not included in this proposal, will be executed only upon written change order, and will become an extra charge over and above the estimate listed above. No modifications of this agreement shall be valid unless in writing and signed by both parties.

All agreements are contingent upon strikes, accidents or delays, which are beyond our control.

Customer shall maintain fire, tornado, and other necessary insurance on the property on which the work is being performed. Trinity Contractors LLC shall maintain worker's compensation and public liability insurance.

This proposal may be withdrawn by us if not accepted within thirty (30) days.

Proposal Submitted By: C Humphries Date of Proposal: 3/23/2021

ACCEPTANCE OF PROPOSAL:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date of Acceptance: _____

ORDINANCE NUMBER 2818-A

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 VESTAVIA HILLS INST 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-9 (planned residential district) for construction of four townhomes to Vestavia Hills R-9 (planned residential district) for construction of three detached single-family residences:

3783 Fairhaven Drive
Lots 31 A-D, Overton Investments, LLC Resurvey of a
Part of Block 1 New Merkle as recorded in PB 29 PG 35
Recorded in PB 250, PG 1
Overton Investments, LLC, Owner(s)

APPROVED and ADOPTED this the 26th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

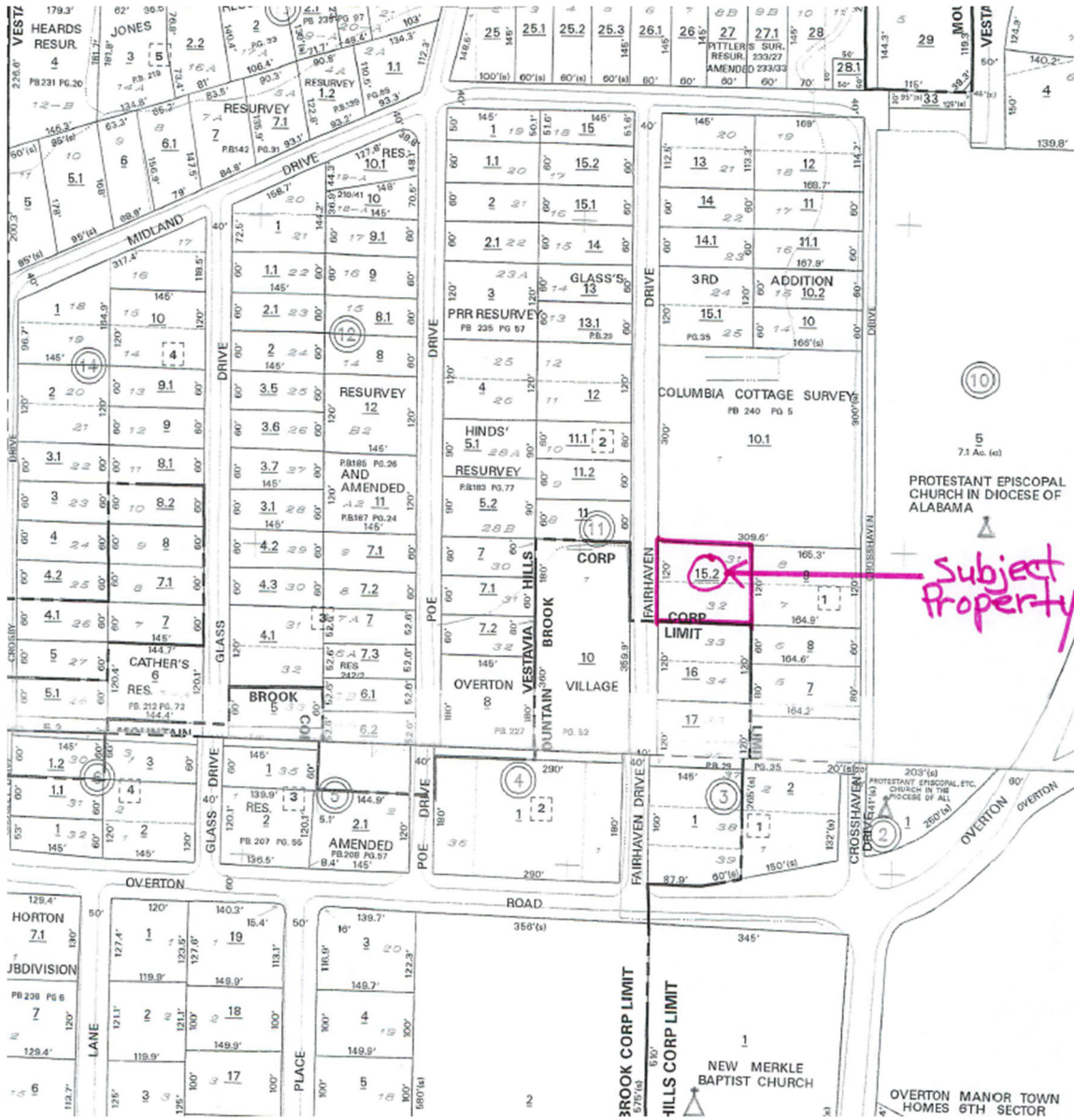
Rebecca Leavings
City Clerk

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 # 2818-A 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 26th day of April, 2021, 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 _____, 2021.

Rebecca Leavings
City Clerk



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

Date: **MARCH 11, 2021**

- **CASE:** P-1218-53
- **REQUESTED ACTION:** Amendment To Ordinance 2818 To allow for the Construction Of Three Single Family Homes
- **ADDRESS/LOCATION:** 3783 Fairhaven Drive
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to amend Ordinance 2818, which rezoned property to Vestavia Hills R-9. The applicant was previously approved to build 3 new townhomes on 3771 Fairhaven Drive and also build 4 luxury townhomes on 3783 Fairhaven Drive. The three townhomes have been constructed at 3771 Fairhaven Dr. However, due to a changing market the applicants would like to exchange the remaining four townhomes at 3783 Fairhaven Dr. to three single family lots. The setbacks for the lots would be 20' in the front, 25' in the rear and 5' on the sides. All current easements will remain and the property would be re-platted at the conclusion of zoning. The amended site plan and original ordinance is attached.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The Community Plan call for Institutional Uses for these two sites, however, this was written when the assisted care facility owned the lots.
- **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. Vercher made a motion to recommend an Amendment To Ordinance 2818 based on the site plan presented. Second was by Mr. Ferrell. Motion was carried on a roll call; vote as follows:

Mr. Maloof– yes
Mr. Ferrell – yes
Ms. Vercher – yes
Mrs. Barnes – yes
Motion carried.

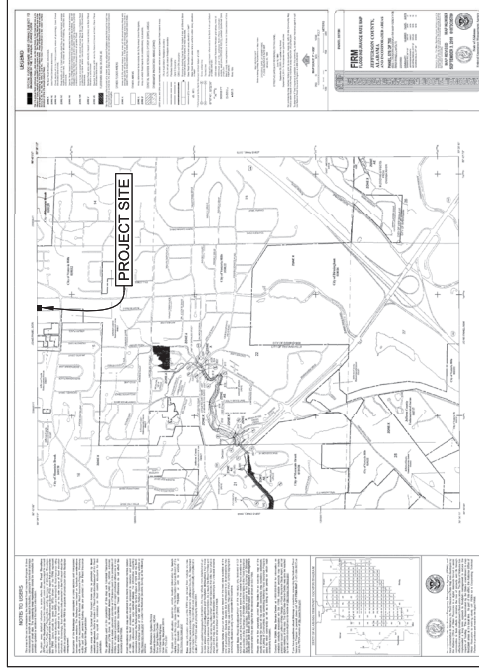
Mr. Romeo – yes
Mr. Sykes– yes
Mr. Larson – yes

CIVIL ENGINEERING PLANS

FOR

FAIRHAVEN DRIVE R-9 RE-ZONING

3781, 3783, 3785, 3787 FAIRHAVEN DRIVE



PER FEMA PANEL 01073C0578H, THIS SITE DOES NOT LIE WITHIN A FLOODPLAIN.

FEMA FLOOD MAP
N.T.S.



VICINITY MAP
N.T.S.

SHEET INDEX

- NS NOTES SHEET
- 10F1 BOUNDARY & TOPOGRAPHIC SURVEY
- C1.0 PRELIMINARY PLAT
- C2.0 SITE LAYOUT PLAN
- C3.0 EROSION CONTROL PLAN

PROJECT CONTACTS

CITY OF VESTAVIA HILLS ENGINEERING
CONTACT: CHRISTOPHER BRADY
(205) 979-0100

CITY OF VESTAVIA HILLS PLANNING
CONTACT: CONRAD GARRISON
(205) 979-0179

BIRMINGHAM WATER WORKS BOARD
CONTACT: DOUG STOCKHAM
(205) 244-4186

JEFFERSON COUNTY ENVIRONMENTAL SERVICES
CONTACT: EMILY KEMP
(205) 325-5231

OWNER/DEVELOPER
OVERTON INVESTMENTS
3505 BENT RIVER ROAD
BIRMINGHAM, AL 35216
(205) 985-7171
CONTACT: JASON KESSLER

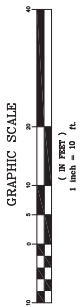
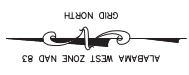
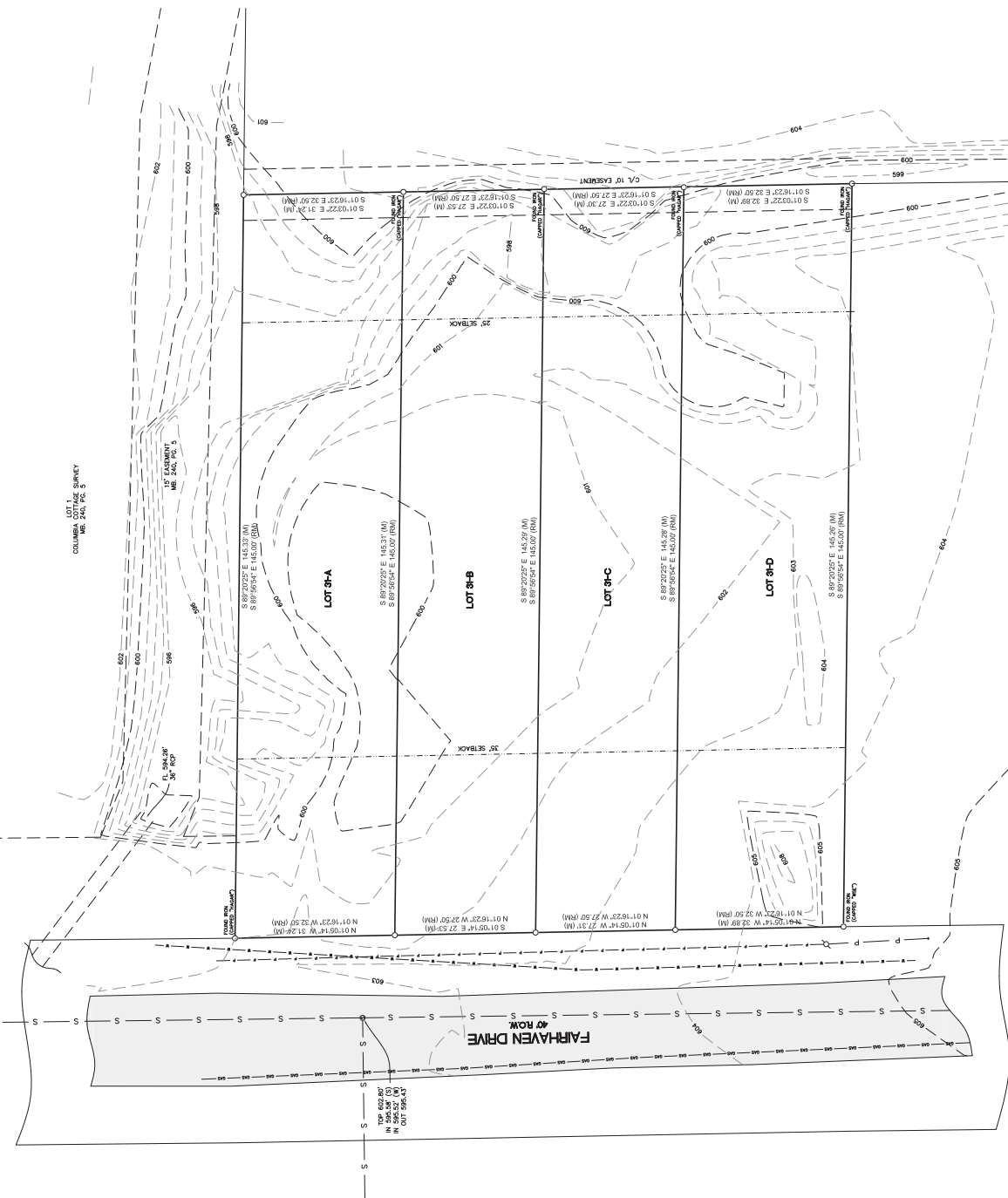
ENGINEERING BY
ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 409-9158
CONTACT: WADE LOWERY, P.E.

SURVEYING BY
ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 409-9158
CONTACT: RODNEY CUNNINGHAM, P.L.S.



BOUNDARY AND TOPOGRAPHIC SURVEY OF LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D OVERTON INVESTMENTS, LLC RESURVEY OF PART OF BLOCK 1 NEW MERKLE

SITUATED IN THE NORTHEAST 1/4 OF SECTION 15,
TOWNSHIP 18 SOUTH, RANGE 2 WEST,
JEFFERSON COUNTY, ALABAMA



LEGEND	
	UTILITY POLE
	CITY WIRE
	SANITARY MANHOLE
	WATER LINE
	GAS LINE
	SEWER LINE
	ASPHALT

- NOTES:
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY. RECORD OR PUBLIC RECORD OF ANY CHAIN SURVEY HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND OTHER RECORDS.
 - ALL EASEMENTS AND RIGHT-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE HAVE BEEN SHOWN HEREON.
 - THE UNDERGROUND UTILITIES HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR EXISTING DRAWINGS. HOWEVER, THESE MAY EXIST UNDEGROUND UTILITIES OR BEING NOT LOCATED OR BEING LOCATED AT A DIFFERENT LOCATION THAN SHOWN HEREON. THE SURVEYOR MAKES NO WARRANTY AS TO THE LOCATION OR DEPTH OF ANY UTILITIES SHOWN HEREON. THE LOCATION OF ANY UTILITIES SHOWN HEREON IS NOT GUARANTEED BY THIS SURVEYOR AND THE LOCATION OF ANY UTILITIES SHOWN HEREON IS NOT GUARANTEED BY THE SURVEYOR.
 - BEARINGS SHOWN HEREON ARE RELATIVE TO THE ALABAMA STATE PLANE COORDINATE SYSTEM 800 ADZMITH (ALABAMA WEST ZONE) (NAD 83) AND WERE DETERMINED USING GPS OBSERVATION.
 - SURVEY PREPARED FOR OVERTON INVESTMENTS, LLC
 - (M) = MEASURE, (RM) = RECORD MAP
 - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.

DESCRIPTION:
LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D, ACCORDING TO THE SURVEY OF OVERTON INVESTMENTS, LLC, RESURVEY OF PART OF BLOCK 1 NEW MERKLE, AS SHOWN IN MAP BOOK 268, PAGE 1, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.
I HEREBY STATE 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, SKILL AND BELIEF.
SURVEYOR:



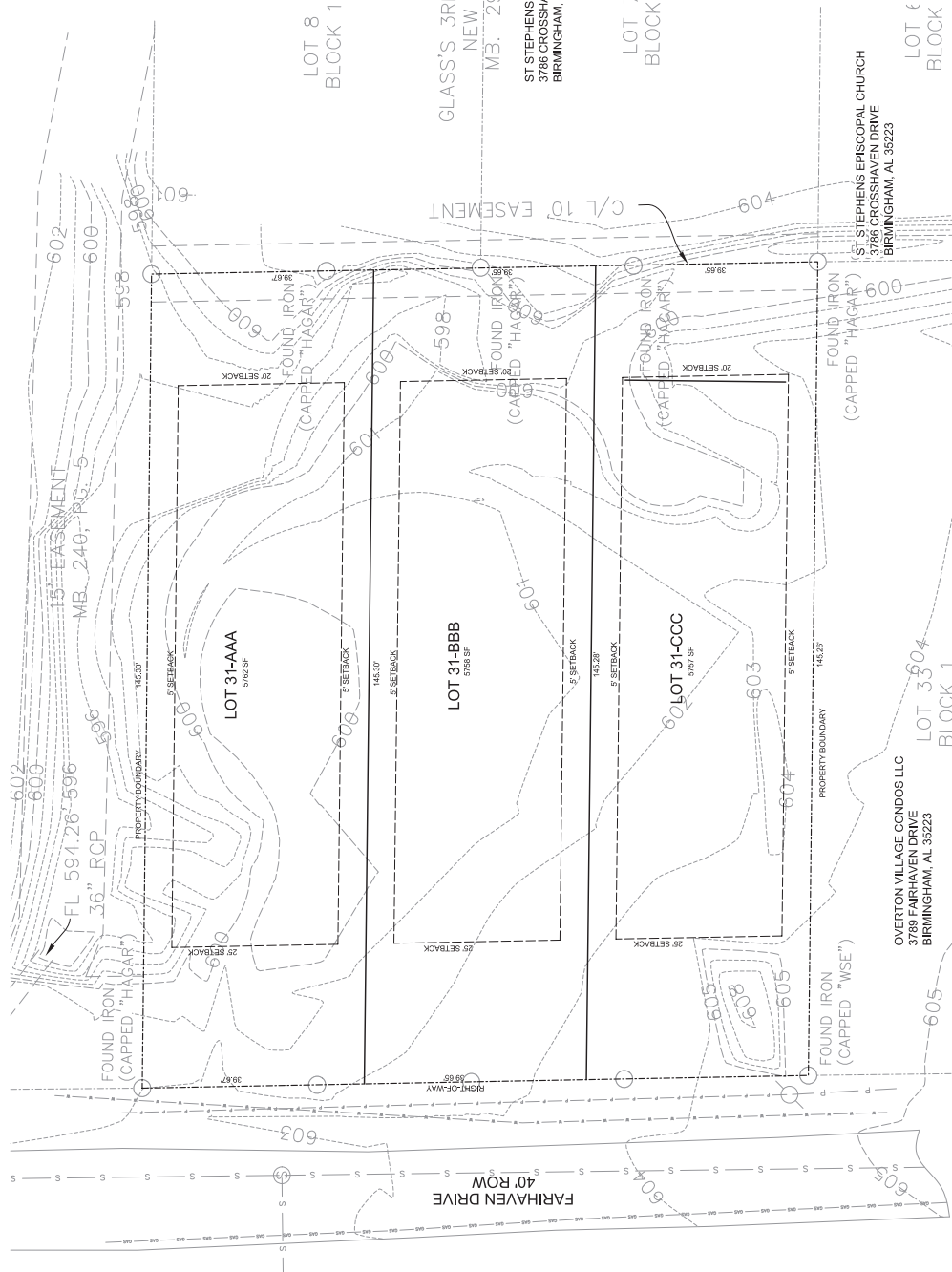
Rooney Keith Cunningham
ROONEY KEITH CUNNINGHAM, DATE: January 10, 2020
ALABAMA LICENSE NO. 26013

REVISIONS	
DATE:	January 10, 2020
SCALE:	1" = 10'
PROJECT:	LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D OVERTON INVESTMENTS, LLC RESURVEY
TITLE:	BOUNDARY SURVEY
DRAWN BY:	MBA
CHECKED BY:	RGC
PROJECT NO.:	KES50086

PROJECT: LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D OVERTON INVESTMENTS, LLC RESURVEY
TITLE: BOUNDARY SURVEY
DRAWN BY: MBA
CHECKED BY: RGC
PROJECT NO.: KES50086
DATE: January 10, 2020
SCALE: 1" = 10'

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

NOTE:
 LOTS 31-AAA, 31-BB, AND 31-CCC REMAIN UNCHANGED
 AND ARE CURRENTLY UNDER CONSTRUCTION.



THE PURPOSE OF THIS DRAWING IS TO RESURVEY
 LOTS 31-AA, 31-BB, 31-CC, AND 31-DD FROM 4 LOTS
 INTO 3 LOTS 31-AAA, 31-BBB, AND 31-CCC.

EXISTING ZONING, LOTS, AND SETBACKS PREVIOUSLY ESTABLISHED BY
 OVERTON INVESTMENTS LLC - RESURVEY OF A PART OF
 BLOCK 1 (RESURVEY RECORDED AS MAP BOOK 2501601).



GRAPHIC SCALE
 1" = 10' FT.

OWNER/DEVELOPER OVERTON INVESTMENTS LLC 596 BENT RIVER ROAD BIRMINGHAM, AL 35216
3785 FARRHAVEN DR (LOT 24-AA) 3777 FARRHAVEN DR (LOT 24-BB) 3773 FARRHAVEN DR (LOT 24-CC)
ZONING: R-9 PROPOSED USE: LUXURY TOWNHOMES SETBACKS: 25' FRONT 25' REAR 5' SIDE
3781, 3783, 3785 FARRHAVEN DR (LOTS 31-AAA, 31-BBB, 31-CCC)
ZONING: R-9 PROPOSED USE: GARDEN HOMES PROPOSED SETBACKS: 25' FRONT 25' REAR 5' SIDE



DATE: 02-03-2021
SCALE: BASE LAYOUT/DWG
PROJECT NO: KES00086
CHECKED BY: WHL
DRAWN BY: TLH
REFERENCES:

PROJECT: KKDCCO HOMES
 FARHAVEN DRIVE, AL
 CITY OF VESTAVIA HILLS, AL
 SITE LAYOUT PLAN

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



C2.0



VICINITY MAP

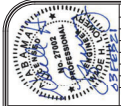
GLASS'S 3RD ADDITION TO
 NEW MERKLE
 MB. 29, PG. 35
 ST STEPHENS EPISCOPAL CHURCH
 3786 CROSSHAVEN DRIVE
 BIRMINGHAM, AL 35223

LOT 7
 BLOCK 1

ST STEPHENS EPISCOPAL CHURCH
 3786 CROSSHAVEN DRIVE
 BIRMINGHAM, AL 35223

LOT 3504
 BLOCK 1
 GLASS'S 3RD ADDITION TO
 NEW MERKLE
 MB. 29, PG. 35

OVERTON VILLAGE CONDOS LLC
 5789 FARRHAVEN DRIVE
 BIRMINGHAM, AL 35223



DATE:	02-03-2021
PROJECT:	BASE LAYOUT.DGN
PROJECT NO.:	KES30086
DRAWN BY:	WHL
CHECKED BY:	TLH
REVISIONS:	

SITE LAYOUT PLAN
PROJECT: KKDCCO HOMES
TITLE: CITY OF VESTAVIA HILLS, AL
ADDRESS: FAIRHAVEN DRIVE
LOT: 31-AAA, 31-BBB, 31-CCC

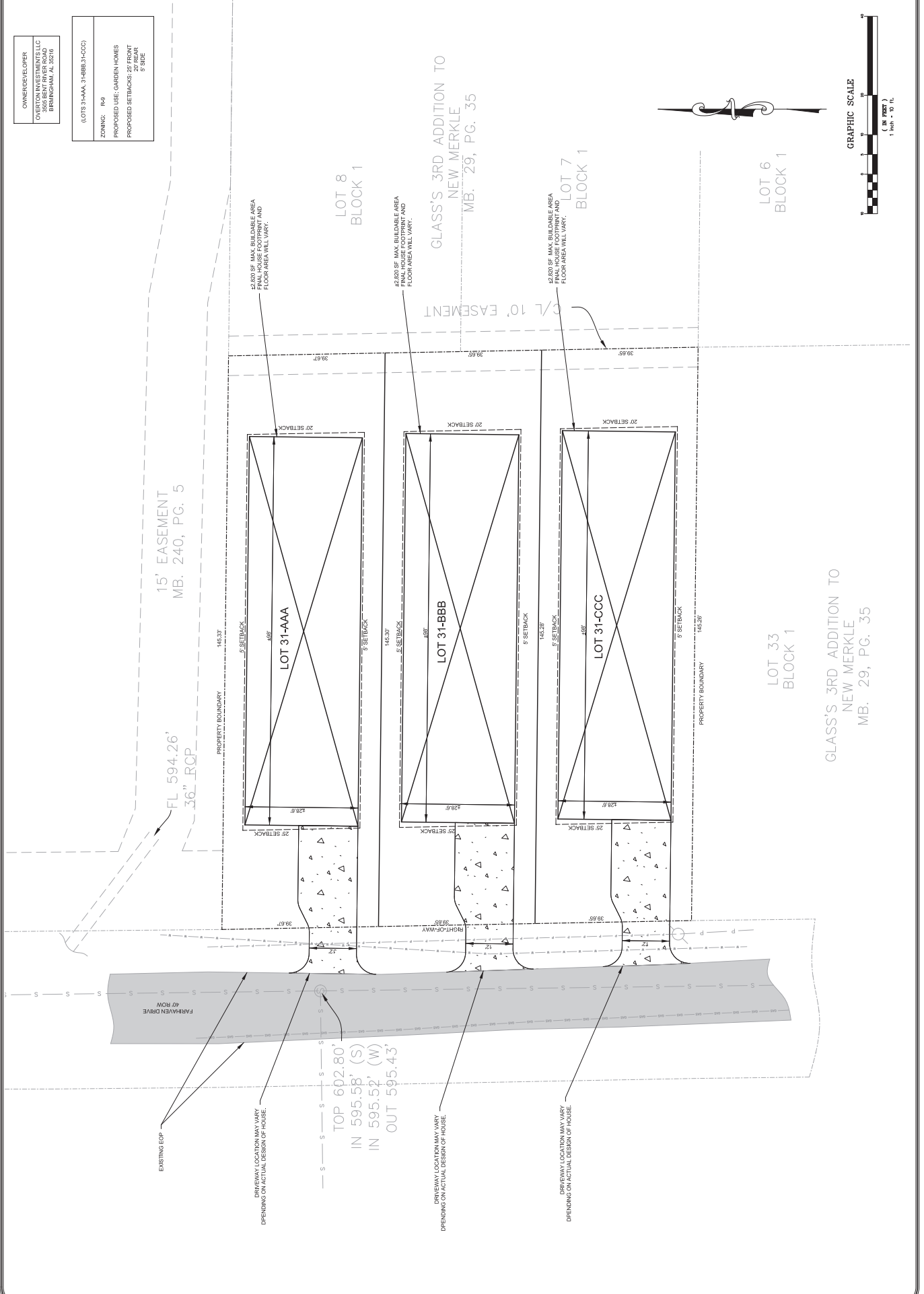
OWNER/DEVELOPER: OVERTON INVESTMENTS LLC
 1000 W. GARDEN HOME DRIVE
 BRISTOL, AL 35601

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 1000 W. GARDEN HOME DRIVE
 BRISTOL, AL 35601

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 ENGINEERING DESIGN GROUP, LLC
 CIVIL ENGINEERING • LAND SURVEYING
 (205) 433-1318
 TEL - (205) 403-9158
 FAX - (205) 403-9175
 PELHAM, AL 35124
 120 BISHOP CIRCLE, SUITE 300

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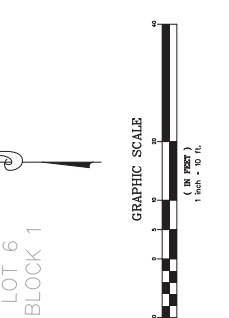
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GRAPHIC SCALE
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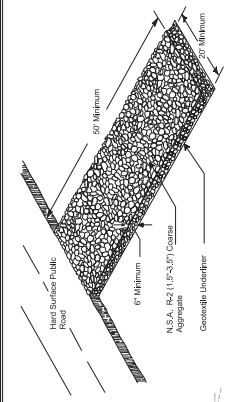
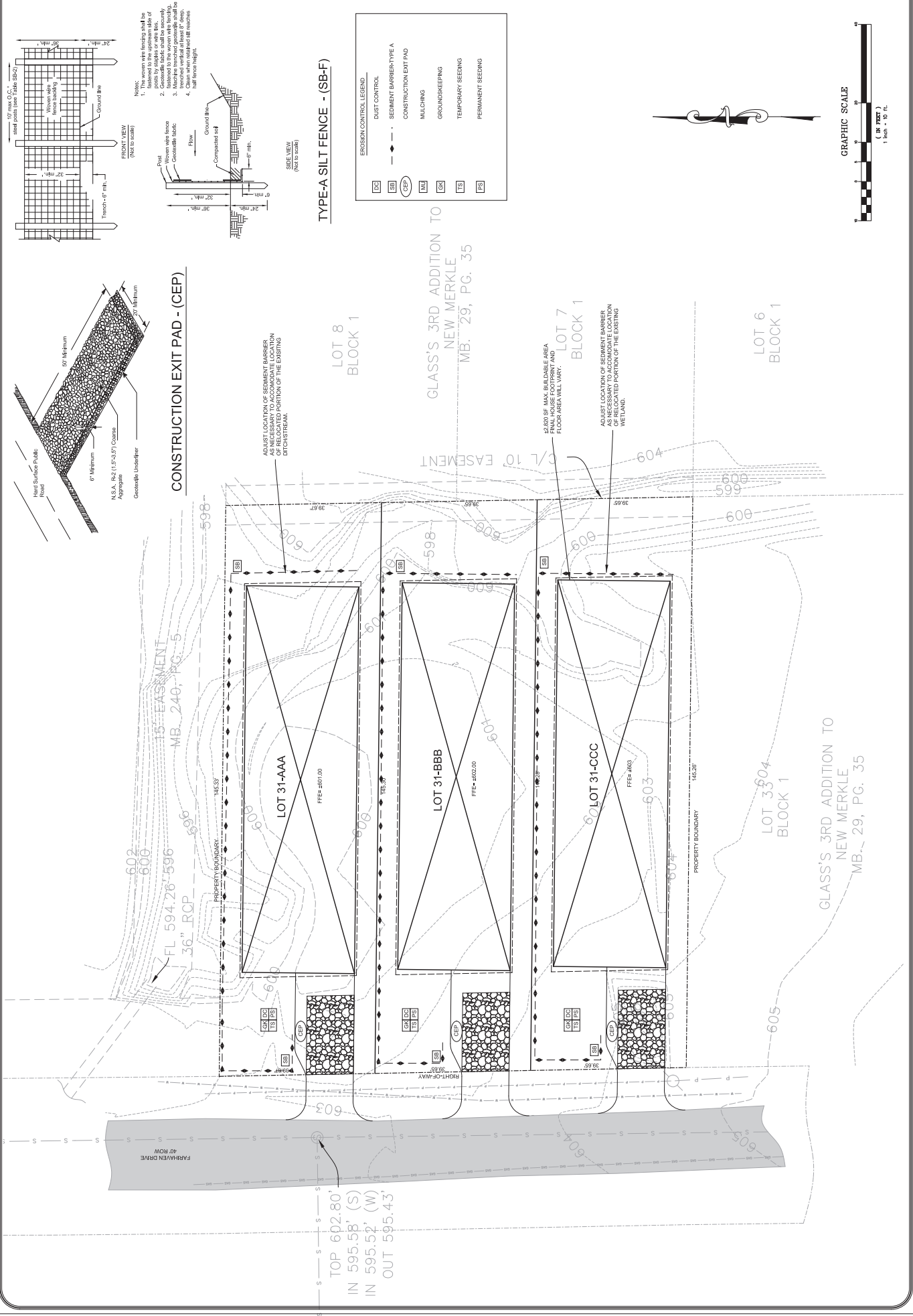
DATE:	02-03-2021
PROJECT:	BASE LAYOUT DSN
PROJECT NO.:	KES50086
CHECKED BY:	WHL
DRAWN BY:	TLH
REVISIONS:	

PROJECT: KKDCCO HOMES
 CITY OF VESTAVIA HILLS, AL
 EROSION CONTROL PLAN

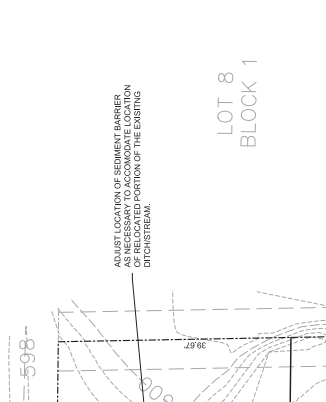
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 CIVIL ENGINEERING & LAND SURVEYING
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TYPE-A SILT FENCE - (SB-F)



Notes:
 1. The woven silt fencing shall be installed in a trench 18" deep and 12" wide.
 2. Posts for staples or wire fabric shall be spaced 10' on center.
 3. Maximum trench depth shall be 18".
 4. Chain when installed shall reach 1/2 fence height.

FRONT VIEW (Not to scale)
 SIDE VIEW (Not to scale)

ADJUST LOCATION OF SEDIMENT BARRIER AS NECESSARY TO ACCOMMODATE LOCATION OF RELOCATED PORTION OF THE EXISTING DITCH/STREAM.

ADJUST LOCATION OF SEDIMENT BARRIER AS NECESSARY TO ACCOMMODATE LOCATION OF RELOCATED PORTION OF THE EXISTING WETLAND.

ADJUST LOCATION OF SEDIMENT BARRIER AS NECESSARY TO ACCOMMODATE LOCATION OF RELOCATED PORTION OF THE EXISTING WETLAND.

TOP 602.80'
 IN 595.58' (S)
 IN 595.52' (W)
 OUT 595.43'

LOT 31-AAA
 FFE=5971.00

LOT 31-BBB
 FFE=5982.00

LOT 31-CCC
 FFE=6003

LOT 8
 BLOCK 1

LOT 7
 BLOCK 1

LOT 6
 BLOCK 1

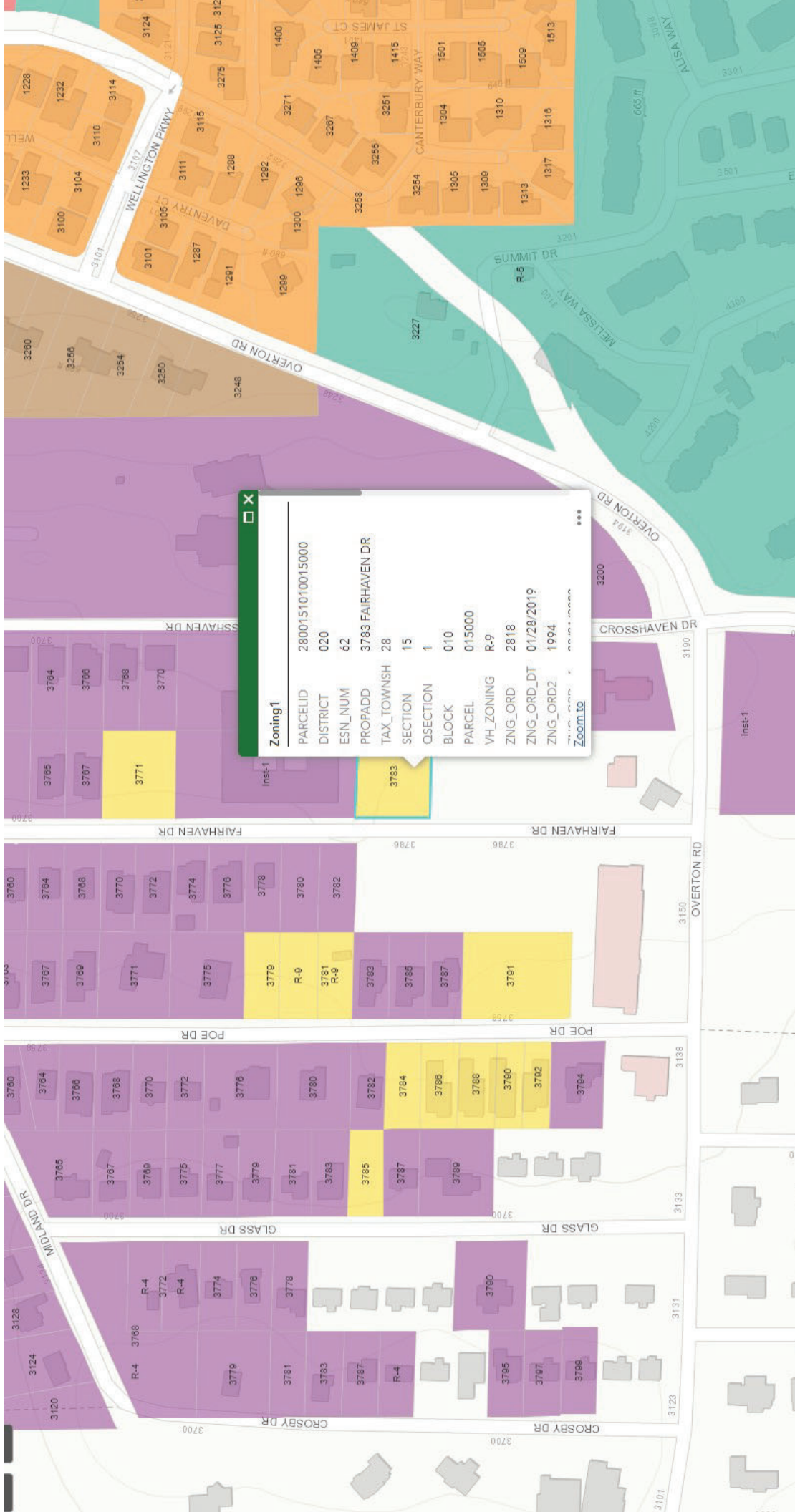
GLASS'S 3RD ADDITION TO NEW MERKLE
 MB. 29, PG. 35

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 MB. 29, PG. 35

GLASS'S 3RD ADDITION TO NEW MERKLE
 MB. 29, PG. 35





Future Land Use

- | | | |
|--|---|--|
|  Low-Density Residential |  Retail/Mixed Use |  Institutional |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential |  Planned Mixed Use | |
|  Birmingham |  Jefferson County |  Mountain Brook |

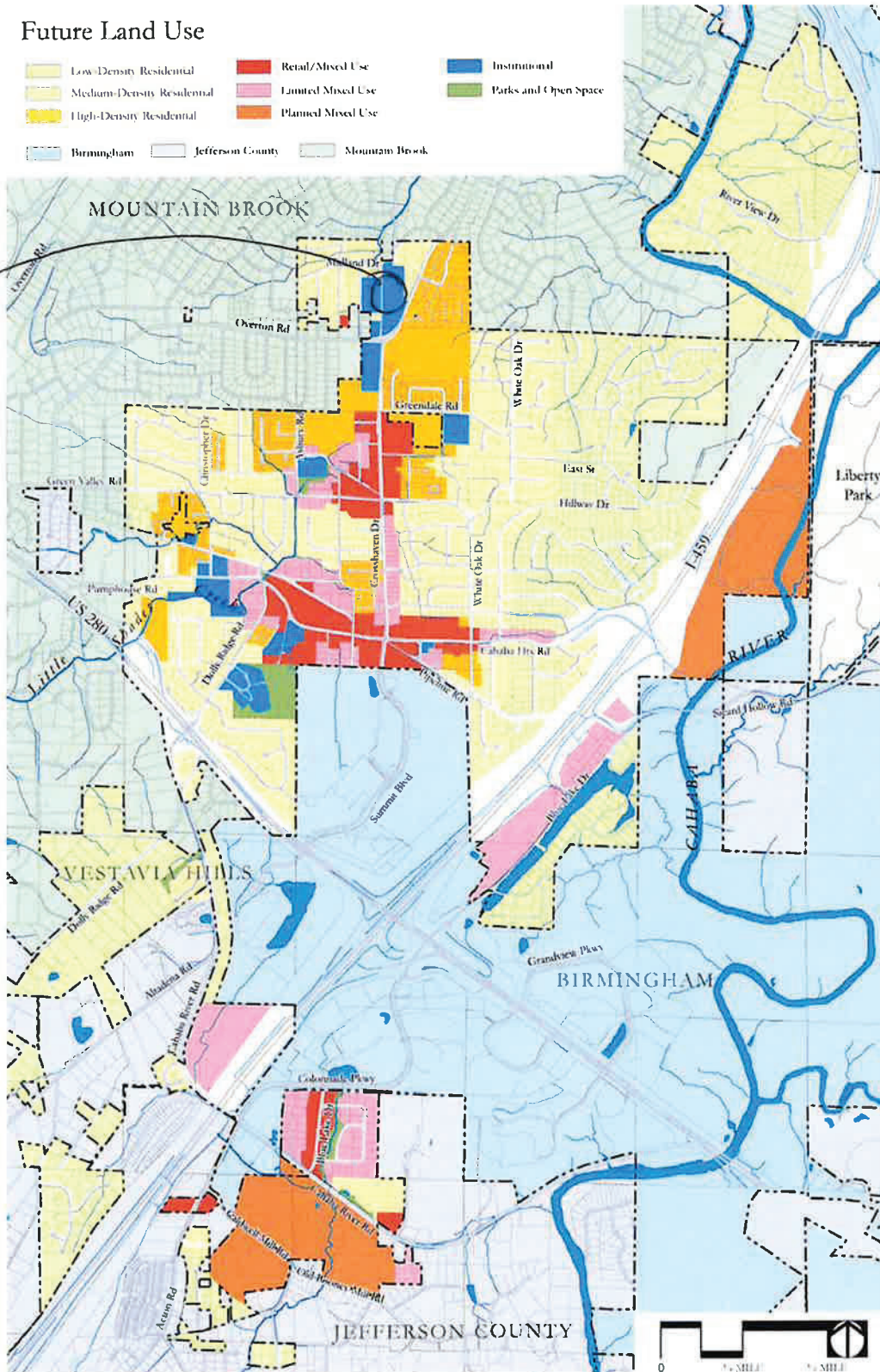


Figure 4: Future Land Use Map

ORDINANCE NUMBER 3005

AN ORDINANCE TO ESTABLISH RULES FOR THE PUBLIC DOG PARKS LOCATED IN THE CITY OF VESTAVIA HILLS, ALABAMA

WHEREAS, the City of Vestavia Hills is preparing to open dog parks in various Vestavia Hills Parks; and

WHEREAS, on February 5, 2021, the Vestavia Hills Parks and Recreation Board, in a special called meeting voted to establish rules for these various dog parks; and

WHEREAS, following review, the Mayor and the City Council find it is in the best public interest to accept and codify these rules for the City's various public dog parks.

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

1. The City's dog parks located in various City parks will be opened and operated pursuant to the rules listed below:

Vestavia Hills Dog Park Rules

- Hours 7:00 AM – One hour past sunset
 - All children under the age of 13 must be accompanied by an adult.
 - Use at your own risk - Owners are legally responsible for the actions and behavior of their dog(s) at all times.
 - Owners must be within the dog park and supervise their dog(s) at all times with leash readily available.
 - Dogs must enter and exit on leash.
 - Dogs in heat and puppies under 4 months of age are not allowed.
 - All dogs must have current vaccinations.
 - Aggressive, disruptive and sick dogs are prohibited and must be removed immediately.
 - Dog must be well behaved and under control at all times, whether by voice or leash.
 - Owners must clean up after their dogs immediately, including properly removing waste and filling in holes.
 - Prohibited items: Pet treats, food, glass containers
2. Signs shall be erected by the Parks Department in each Dog Park detailing said rules; and
 3. It shall be unlawful to violate any of the terms and provisions of this Ordinance. Any person, firm or corporation violating any of the said terms and provision of this Ordinance shall, upon conviction, be punished in accordance with Title 11-45-9, Code of Alabama,

1975, for a misdemeanor violation for each such offense. Each day any violation of this Ordinance shall constitute a separate offense.

4. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and
5. This Ordinance Number 3005 shall be effective immediately upon adoption and approval and posting and publication pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of April, 2021.

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 # 3005 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 26th day of April, 2021, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House, Vestavia Hills Recreational Center this the _____ day of _____, 2021.

Rebecca Leavings
City Clerk