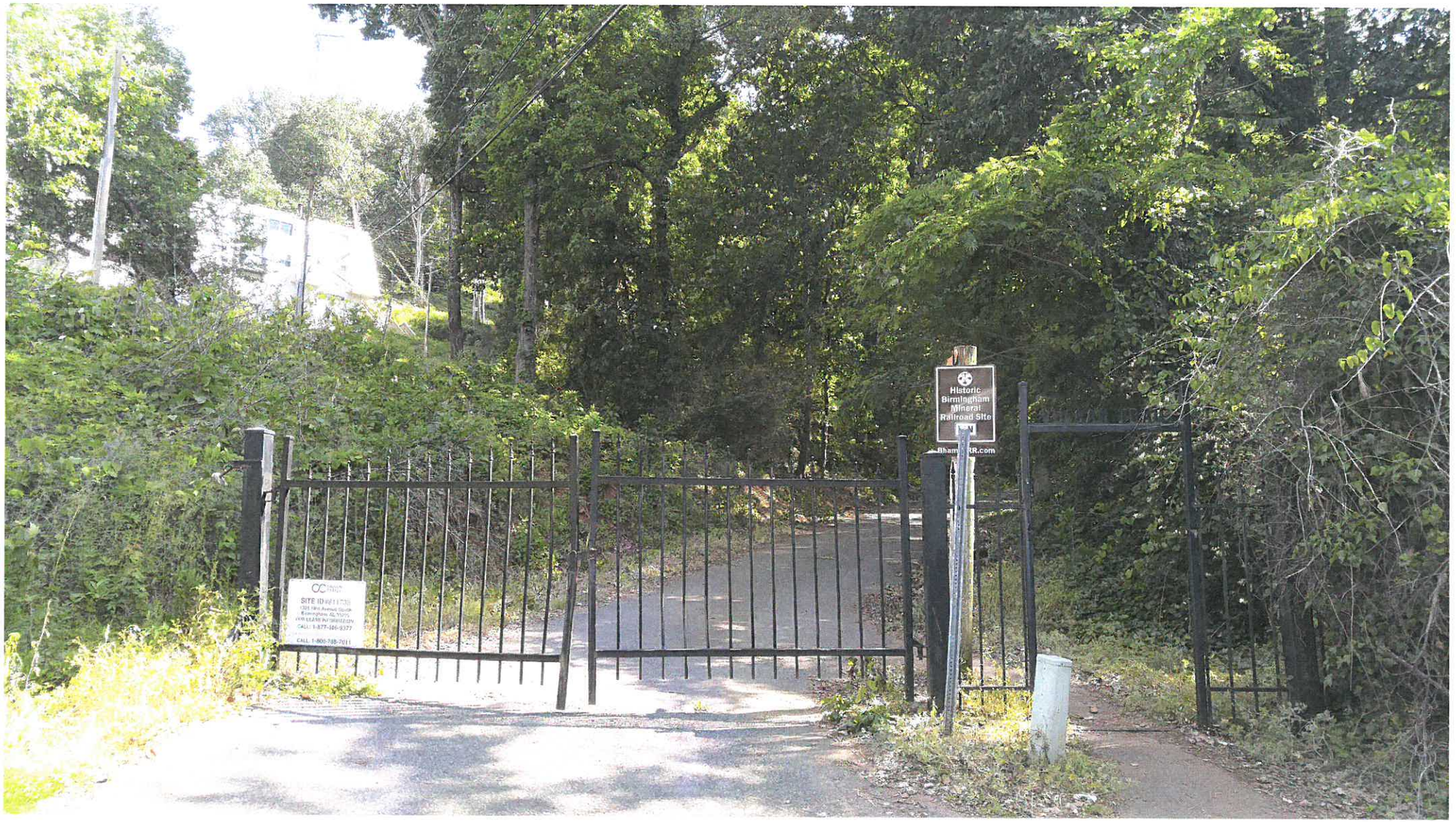
NEWLY
RENOVATED


Historic
Birmingham
Mineral
Railroad Site

29 - 12 - 2
29 - 12 - 3
11 - 1
65m
200ft
1001
1500
2204
2021
1321
2025
2005
1906
1911
1918
1905
1029
1033
1037
1041
1045
1040
1032
1026
1024
1020
1000
1001
1003
1012
1008
1004
1023
1029
1037
1041
1045
1049
1053
1057
1093
1097
629
633
641
645
649
637

Brook Properties Ltd., which hopes to sell ... suggested a bond issue to buy it.

Redmont Park group files lawsuit

The Redmont Park Neighborhood Association has filed suit in Jefferson County Circuit Court in an attempt to prevent construction of a $40.8 million office building and Marriott Hotel in the neighborhood.

The suit asks the court to uphold the Birmingham Planning Commission's rejection of the hotel development. On Nov. 19 the commission voted 6-5 against a proposal by Metropolitan Properties to build the complex just south of 21st Street South and the Red Mountain Expressway. But the planning department staff requested an opinion from the city attorney's office concerning the validity of one vote.

Commission member Joann Kent lives in Redmont Park and is former neighborhood association president. City attorney James K. Baker's opinion prompted the commission to discount Mrs. Kent's vote at an earlier meeting. Without her vote the plan would have been approved by a 5-5 vote.

The question resurfaced at the next planning commission meeting and the vote was again 6-5 against the project. Mrs. Kent voted against the development again and neighborhood association officials say the outcome of the latest vote in unclear.

"The Redmont Park Neighborhood Association feels that the action of the city was arbitrary and unprecedented in acting unilaterally to set aside the decision of the Birmingham Planning Commission. We believe the decision of the planning commission was right and we expect that it will be upheld by the courts," neighborhood president Scott Shepard said.

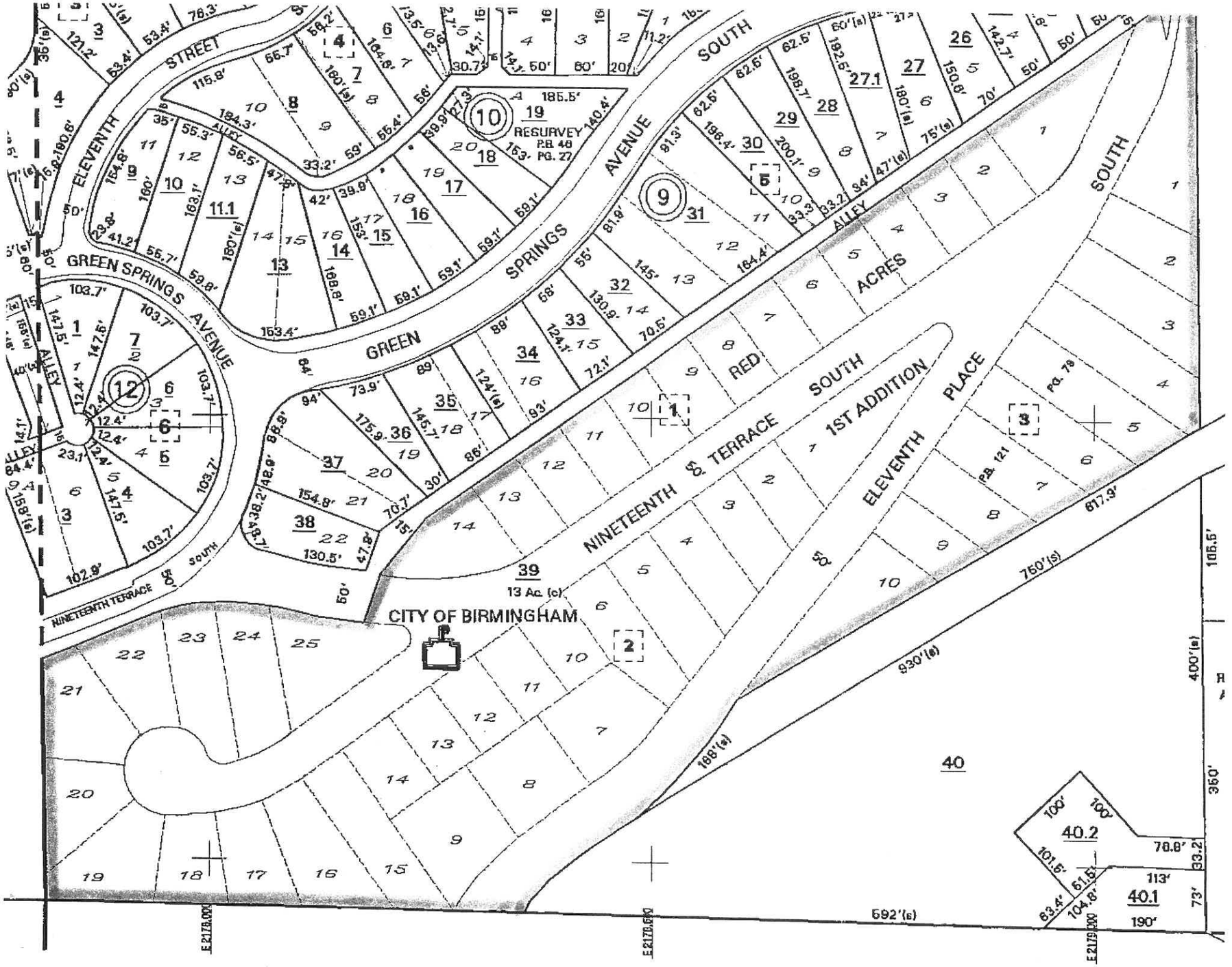
Dr. Henry N. McCarl, chairman of the planning commission, wasn't particularly happy about the course of events. He said the planning commission's decision was valid, despite the city attorney's opinion.

"The planning commission reaffirmed its decision on the second vote. There were different people voting the second time and the decision was still the same.

"If the (planning department) staff requested the city attorney's opinion, I question whether it was appropriate for the staff to question the decision of the commission."

The Redmont development, called Southbridge, calls for a 10-story or 12-story hotel with 300 to 500 rooms and a 275,000-square foot office building of similar height. A Metropolitan official says the buildings will be on the south side of the slope, below the ridgeline, and will not be seen from 21st Avenue South.

Smead
No. 21506
HASTINGS, MN
LOS ANGELES-CHICAGO-LOGANSPORT
McGREGOR-TX-LOCUST GROVE, GA
U.S.A.



ELEVENTH STREET
GREEN SPRINGS AVENUE
GREEN SPRINGS AVENUE SOUTH
RESURVEY
P.B. 46
PG. 27
ALLEY
NINETEENTH TERRACE SOUTH
RED ACRES SOUTH
1ST ADDITION
ELEVENTH PLACE
P.B. 121
PG. 78
CITY OF BIRMINGHAM
13 Ac. (c)
40
40.1
40.2
592'(s)
930'(s)
750'(s)
617.9'
400'(s)
350'
165.5'
E 2178.000
E 2178.500
E 2179.000

30-2761

F SW¼ OF NW¼ 12-18-3

CO 3-59715
BLDG

OF SW 1/4 OF NW 1/4
OF NW BDRY OF R/W OF
CCEPT THAT PART INCLUDED
E BOUNDARIES OF TENN LD
OF RED ACRES -12.34 -

3-59715

TP 18 R 3

ATCH CARD MADE
3 19-69
TO

PROPERTY ADDRESS

CARD N

M 29-12-2-009-039.00

30-2761

1. CHANGE OF OWNERSHIP

2.

3.

4.

5.

6.

7.

8.

PROPERTY ADDRESS

CARD NO. OF

1. CHANGE OF OWNERSHIP

2.

3.

4.

5.

6.

7.

8.

TOPOGRAPHY	IMPROVEMENTS	STREETS	WATER	OCCUPANCY	SOIL	HEAT	DISTANCE FROM MAIN HIGHWAY	ACRES	FENCE
LEVEL	SIDEWALKS	PAVED ✓	CITY ✓	OWNER	SANDY	STEAM	IS HIGHWAY PAVED	TILLABLE	BARB WIRE
HIGH	CURB	ASPHALT	WELL	TENANT MONTHLY RENTAL	LOAM	FURNACE		PASTURE	INDUSTRIAL
LOW	GUTTER	CONCRETE ✓	SPRING	$	CLAY	HOT WATER	CONDITION OF ROAD ON WHICH PROPERTY IS LOCATED	WOODLAND	STOCK
DROP OFF	SEWER ✓	CHERT	STREAM	ZONED	CHERT	ARCOLA		FOREST	RAIL
ROLLING ✓ Steep Slope	SEPTIC TANK ✓	UNPAVED		EXEMPT		GRATE		ORCHARD	BOARD
	GAS ✓	BLACK TOP ✓				GAS		ROADS	
	ELECTRICITY ✓					STOKER		WASTE ✓	
								TOTAL	

TYPE
- RM. COTTAGE
- RM. BUNGALOW
- RM. 1½ STORY
- RM. 2 STORY
- RM. DUPLEX
- STORY APARTMENT ___ UNITS
- STORY STORE BLDG.
- STORY OFFICE BLDG.
- STORY GARAGE ___ CARS
- STORY FILLING STATION
- STORY BARN
- SHED
- CRIB
- MILK HOUSE
- DAIRY
- SILOS
- TOURIST CAMP
- STORY FACTORY BLDG.
- STORY SERVANTS HOUSE AND GARAGE

EXTERIOR
- FRAME
- BRICK
- BRICK VENEER
- STUCCO
- TILE
- CONCRETE
- STONE
- FIELD STONE
- GALV. IRON
- LOG

INTERIOR
- PLASTER WALLS
- WALL BOARD
- CEILED
- UNFINISHED
- BEAM CEILING

ROOF
- WOOD SHINGLE
- COMP. SHINGLE
- ASBESTOS SHINGLE
- TILE
- TIN
- COPPER
- SLATE
- GALV. IRON
- BUILT UP

FLOORS
- HARDWOOD
- PINE
- TILE
- CEMENT
- LINOLEUM

ELEVATORS
- PASSENGER
- FREIGHT

BATHS
- NUMBER
- TILE WALL
- TILE FLOOR
- PINE FLOOR
- LINOLEUM
- OAK FLOOR

LOCATION
- ___ MILES N E S W FROM SCHOOL
- ___ " N E S W " CHURCH
- ___ " N E S W " TOWN
- ___ " N E S W " R.R. SHIPPING PT
- ___ " N E S W "

BUILDING PERMIT

DATE	AMOUNT

EQUIPMENT
- MECH. REFRIGERATORS
- STOVES
- HOT WATER HEATERS
- AIR CONDITIONING
- SPRINKLER

Rough Hillside.
450 ft frontage on concrete
That portion facing [illegible]
be in demand for building
in distant future. Gives shelter
[illegible] bldg ft. primarily
Too steep for building and
[illegible]

SPECIAL REMARKS: 3-12-69 Vacant. Possible Apt Site.
Land Value $10,000 Buyers

FREE HAND DRAWING SHOWING OUTSIDE DIMENSIONS AND NUMBER OF ALL BUILDINGS.

SCALE 1" = 30'

30-2761

PROPERTY ADDRESS

1. CHANGE OF OWNERSHIP

29-12-2-009-039.00

COMPUTATIONS 2

AC

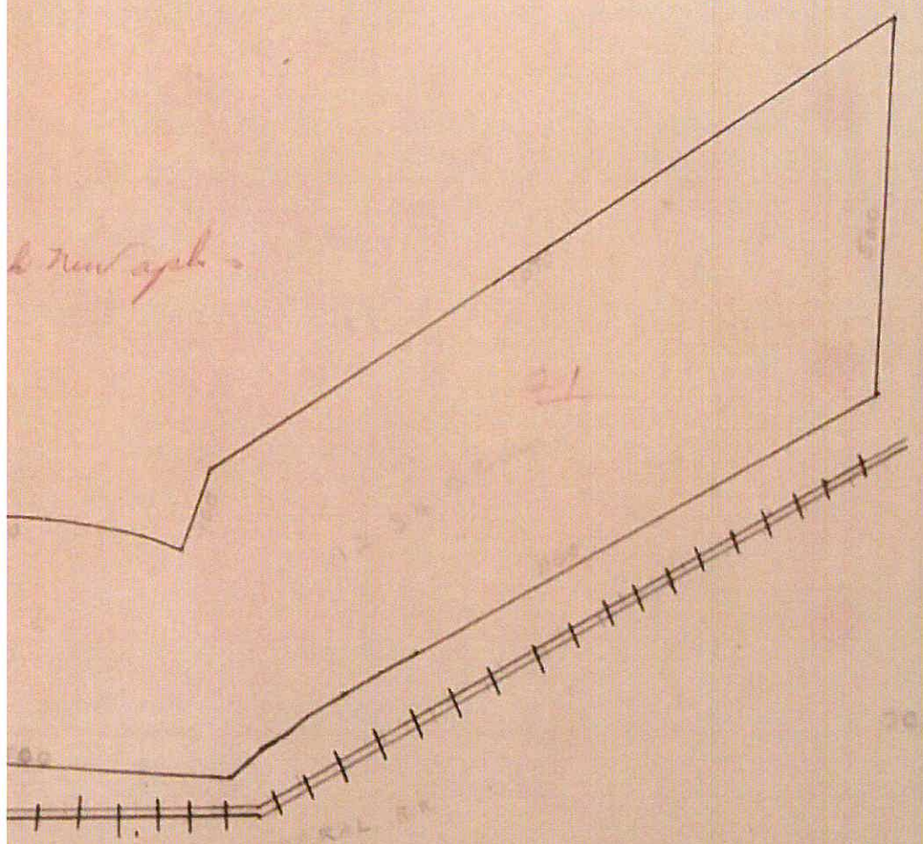
12.34 1200 14808

500 6170

3000

9170

Add for Sites



30-2761

OF SW¼ OF NW¼ 12-18-3
N OF NW R/W OF L & N
THAT PT INCL IN TENN
MAP OF RED ACRES.

...ing 12.34 AC

PROPERTY ADDRESS

CARD N

M 29-12-2-009-039.000

30-2761

1. CHANGE OF OWNERSHIP
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.

TOPOGRAPHY	IMPROVEMENTS	STREETS	WATER	OCCUPANCY	SOIL	HEAT	DISTANCE FROM MAIN HIGHWAY	ACRES	FENCE
LEVEL	SIDEWALKS	PAVED ✓	CITY ✓	OWNER	SANDY	STEAM		TILLABLE	BARB WIRE
HIGH	CURB	ASPHALT	WELL	TENANT	LOAM	FURNACE	IS HIGHWAY PAVED	PASTURE	INDUSTRIAL
LOW	GUTTER	CONCRETE ✓	SPRING	MONTHLY RENTAL	CLAY	HOT WATER		WOODLAND	STOCK
DROP OFF	SEWER	CHERT	STREAM	$	CHERT	ASCOLA	CONDITION OF ROAD ON WHICH PROPERTY IS LOCATED	FOREST	RAIL
ROLLING	SEPTIC TANK	UNPAVED	ZONED	EXEMPT		GRATE		ORCHARD	BOARD
Steep slop	GAS ✓	BLACK TOP	A-1			GAS		ROADS	
	ELECTRICITY ✓					STOKER		WASTE ✓	
								TOTAL	

TYPE	EXTERIOR	ROOF	BATHS	LOCATION	BUILDING PERMIT
RM. COTTAGE	FRAME	WOOD SHINGLE	NUMBER	MILES N E S W FROM SCHOOL	DATE AMOUNT
RM. BUNGALOW	BRICK	COMP. SHINGLE	TILE WALL	N E S W " CHURCH	
RM. 1½ STORY	BRICK VENEER	ASBESTOS SHINGLE	TILE FLOOR	N E S W " TOWN	
RM. 2 STORY	STUCCO	TILE	PINE FLOOR	N E S W " R.R. SHIPPING PT.	
RM. DUPLEX	TILE	TIN	LINOLEUM	N E S W "	
STORY APARTMENT	CONCRETE	COPPER	OAK FLOOR		
UNITS	STONE	SLATE			
STORY STORE BLDG.	FIELD STONE	GALV. IRON			
STORY OFFICE BLDG.	GALV. IRON	BUILT UP			
STORY GARAGE	LOG				
CARS					
STORY FILLING STATION					
STORY BARN					
SHED					
CRIB					
MILK HOUSE					
DAIRY					
SILOS					
TOURIST CAMP					
STORY FACTORY BLDG.					
STORY SERVANTS HOUSE AND GARAGE					

INTERIOR	FLOORS	EQUIPMENT
PLASTER WALLS	HARDWOOD	MECH. REFRIGERATORS
WALL BOARD	PINE	STOVES
CEILED	TILE	HOT WATER HEATERS
UNFINISHED	CEMENT	AIR CONDITIONING
BEAM CEILING	LINOLEUM	SPRINKLER

ELEVATORS
PASSENGER
FREIGHT

SPECIAL REMARKS: Rough hillside + 50 frontage on concrete sheet

Vacant acreage

A
B
C
Net

FREE HAND DRAWING SHOWING OUTSIDE DIMENSIONS AND NUMBER OF ALL BUILDINGS.

SCALE 1" = 5'

GEO. JOHNSTON GEO. JOHNSTON, JR.

JOHNSTON MANUFACTURING CO.

MANUFACTURERS OF

SHIRTS

~~[illegible]~~

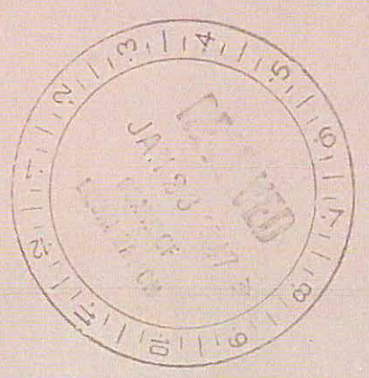
324 N 21st St.

BIRMINGHAM, ALA.

3-59715
C1-2-S
C1-2-M

January 22nd, 1947

RECEIVED JAN 23 1947 BOARD OF EQUALIZATION



Board of Equalization,
Court House,
Birmingham 3, Alabama.

Gentlemen:-

We herewith file protest with you on the following assessments:

Unit No. 3-59715 That part of SW¼ of NW¼ of Sec. 12 - 18 - 3W lying NW of the NW boundary of R/W of L & N RR Co. Except that part included within the boundaries of Tenn. Land Co. map of Red Acres, Containing 12.34 acs. F. S.

Unit No. C1-2S That part of SW¼ of NW¼ of Sec. 12 - 18 - 3W lying SE of the NW boundary of R/W of L & N RR Co. containing 5.91 acres SR

Unit No. C1-2M That part of SW¼ of NW¼ of Sec. 12 - 18 - 3W lying SE of the NW boundary of R/W of L & N RR Co. containing 5.91 acs. M.R.

Our reason for this protest is that Johnston Mfg. Co. purchased the above properties from the Tennessee Land Co. and the Tenn. Coal, Iron & Railroad Co. for $6,500.00. The minerals having been taken out of this property we therefore feel that there should be no assessment against the minerals.

PROTESTED

Yours very truly,
JOHNSTON MANUFACTURING COMPANY

Geo Johnston
President

J/mj

ERNEST L. ALL (1885-1962)
WILLIAM BEW WHITE, COUNSEL
LEE C. BRADLEY, JR.
DOUGLAS ARANT
WM. ALFRED ROSE
WM. BEW WHITE, JR.
JOHN J. COLEMAN, JR.
JOSEPH H. JOHNSON, JR.
J. REESE MURRAY
ROMAINE S. SCOTT, JR.
EDWARD M. SELFE
HARRY R. TEEL
ELLENE WINN
ROBERT B. CONWORTH, JR.
ROBERT R. REID, JR.
JOHN N. McNAIL
THOMAS N. CARRUTHERS, JR.
J. ROBERT FLEENOR
FRANK H. McFADDEN

BRADLEY, ARANT, ROSE & WHITE
1500 BROWN-MARX BUILDING
BIRMINGHAM, ALABAMA 35203
TELEPHONE 323-1551 AREA CODE 205

JOHN H. MORROW
HOBART A. McWHORTER, JR.
MACBETH WAGNON, JR.
CHARLOTTE L. RAILEY
ALLEN POPPLETON
ROBERT H. WALSTON
THAD G. LONG
JOHN P. ADAMS
GRIFFITH F. PITCHER
WARREN B. LIGHTFOOT
A. HENRY GAEDE, JR.
JOHN T. ANDREWS, JR.
JAMES L. NORTH
WILLIAM L. HINDS, JR.
WILLIAM M. SLAUGHTER
WYATT RUSHTON HASKELL
JAMES W. GEWIN
JAMES H. WHITE, III
WILLIAM W. JOHNSON, JR.
F. FOX HENDERSON, JR.

April 16, 1969

Mr. J. B. Davis
Chairman of the Board of Equalization
Jefferson County, Alabama
300 Courthouse Annex
Birmingham, Alabama

Re: Assessment of Property of J. W. P. Investments - Unit No. 30-2761

Dear Mr. Davis:

As counsel for J. W. P. Investments I wish to enter notice of the protest of J. W. P. Investments to the increase in the assessed value of the real property owned by J. W. P. Investments described as

FS TR 21
SW1/4 of NW1/4
12-18-3.

Please inform me when the date for appearing on this protest is set.

Very truly yours,

James H. White III

James H. White, III

JHW,III/lc

RECEIVED
APR 17 1969
BOARD OF EQUALIZATION

Protested 1969
No appearance made

This case set for hearing MAY 13 1969

Section 4. R-3 Single-Family District.

Subsection 1. Generally.

The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations in the R-3 Single-Family District.

Subsection 2. Use regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the E-1 Estate District.

Subsection 3. Area and dimensional regulations.

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure Feet	Minimum Yards		Minimum Side Yards		Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	One Side	Total both Sides		
35 feet	25 feet	25 feet	5 feet	14 feet	6,000 square feet	50 feet

Subsection 4. Parking regulations.

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Article V.

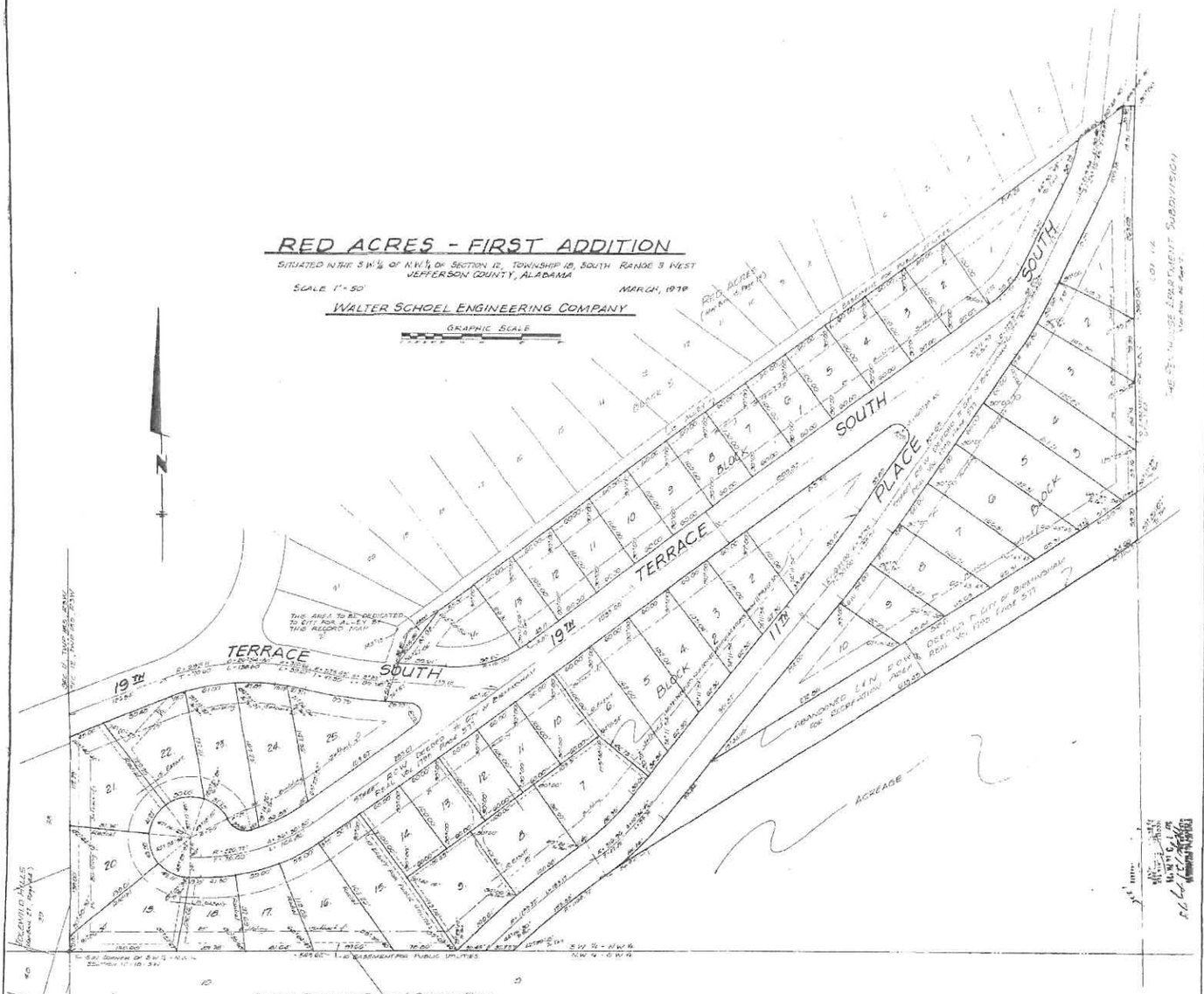
RED ACRES - FIRST ADDITION

SITUATED IN THE S.W.¼ OF N.W.¼ OF SECTION 12, TOWNSHIP 18, SOUTH RANGE 3 WEST
JEFFERSON COUNTY, ALABAMA

SCALE 1" = 50' MARCH, 1979

WALTER SCHOEL ENGINEERING COMPANY

GRAPHIC SCALE



SECOND SECTOR OF BLOCK 1 BEACON PARK
(Mapbook 59, Page 46)

STATE OF ALABAMA
JEFFERSON COUNTY

The undersigned, Walter School, Jr. and George Johnston III and Charles Kennedy Porter, owners and First National Bank of Birmingham, Mortgagee, hereby certify that this plat or map was made pursuant to a survey made by said surveyor and that said survey and this plat or map was made at the instance of said owners, that this plat or map is a true and correct plat or map of lands shown therein and known or to be known as RED ACRES - FIRST ADDITION, showing the subdivision into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, showing the streets, alleys and public grounds, giving the bearings, length, width and name of each street as well as the number of each lot and block, and showing the relation of the lands to the government survey of part of the S.W.¼ of the N.W.¼ of Section 12, Township 18 South, Range 3 West, and that iron pins have been installed at all lot corners and curve points as shown and designated by small open circles on said plat or map. Said owners also certify that they are the owners of said lands and that same is not subject to any mortgage except as shown. Said owners also agree that the City of Birmingham may at any time change the natural or existing grade of any street, alley or public grounds, or any part thereof, from the natural or existing grade to the permanent grade without the payment of compensation to the abutting owner, and this agreement shall be a covenant running with the lands. The undersigned appoints the City of Birmingham as agent for the purpose of filing said plat or map together with this instrument, for record, and certify that we have full authority to execute this instrument and map.

FIRST NATIONAL BANK OF BIRMINGHAM, MORTGAGEE

George Johnston III
George Johnston III, owner

William E. Coleman
William E. Coleman, Vice President

Charles Kennedy Porter
Charles Kennedy Porter, owner

Walter School, Jr.
Walter School, Jr., Ala. Reg. No. 3091

STATE OF ALABAMA
JEFFERSON COUNTY

I, JERRY W. HARKINS, as Notary Public in and for said County and State, do hereby certify that Walter School, Jr., whose name is signed to the foregoing certificate as Surveyor, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such individual, with full authority therefor.

Given under my hand and seal this the 26TH day of JUNE, 1979.

Jerry Harkins
Notary Public

STATE OF ALABAMA
JEFFERSON COUNTY

I, Charles R. Palco, as Notary Public in and for said County and State, do hereby certify that George Johnston III and Charles Kennedy Porter whose names are signed to the foregoing certificate as owners, who are known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate, they executed the same voluntarily as such individuals, with full authority therefor.

Given under my hand and seal this the 9TH day of July, 1979.

Charles R. Palco
Notary Public

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County and State, hereby certify that William E. Coleman, as Vice President of First National Bank of Birmingham, Mortgagee, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate, he executed the same voluntarily as such individual, with full authority therefor.

Given under my hand and seal this the 3 day of July, 1979.

Mary Jane S. Tingle
Notary Public

BE IT RESOLVED by the Council of the City of Birmingham that the assent of this body be and the same hereby is, given to the dedication of the streets, alleys and public grounds as shown on plat or map of and Acres- First Addition, which said plat or map is certified to have been made by Walter School Engineering Company as surveyor, at the instance of George Johnston III and Charles Kennedy Porter as owners, and has been exhibited to this Council by said plat or map being further identified by a recital of the approval of this Council signed by JACKSON B. BAILEY, City Clerk, of even date herewith. But this shall not be construed as an assumption of Comission by the City over any street, alley or public grounds shown on said plat or map or impose liability upon the City for the upkeep of same.

I, JACKSON B. BAILEY, City Clerk of the City of Birmingham, Alabama, hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council of the City of Birmingham on this 28TH day of AUGUST, 1979.

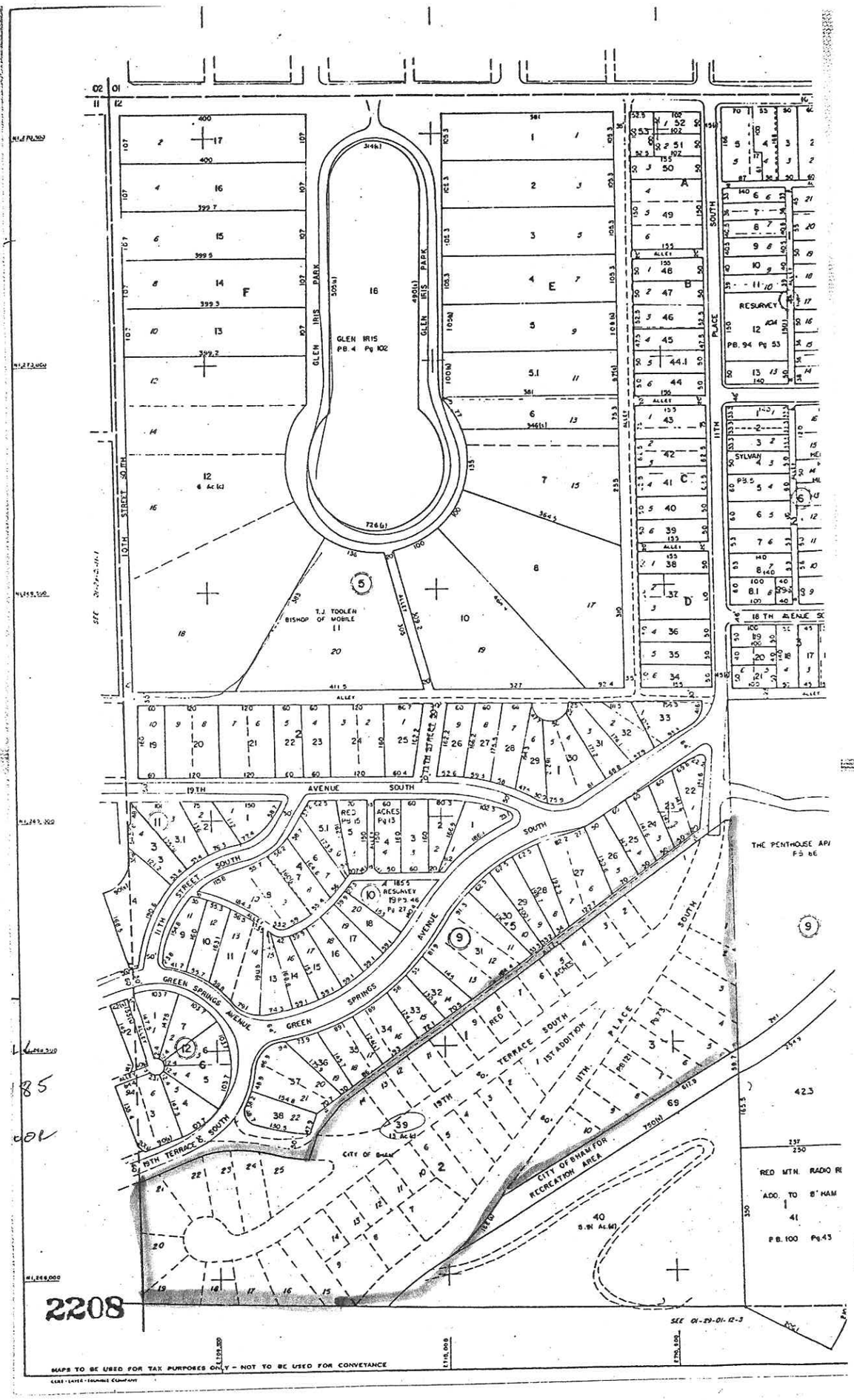
Jackson B. Bailey
City Clerk

APPROVED: BIRMINGHAM PLANNING COMMISSION

BY: [signature]

APPROVED: BIRMINGHAM ENGINEERING DEPARTMENT

BY: [signature]
Assistant City Engineer


GLEN IRIS PARK
GLEN IRIS PB. 4 Pg 102
T.J. TOOLEN BISHOP OF MOBILE
10TH STREET SOUTH
19TH AVENUE SOUTH
11TH STREET SOUTH
GREEN SPRINGS AVENUE
19TH TERRACE SOUTH
CITY OF BHAM
CITY OF BHAM FOR RECREATION AREA
RESURVEY
SYLVAN
18 TH AVENUE SO
THE PENTHOUSE AP
RED MTN. RADIO RE
ADD. TO B'HAM
P.B. 100 Pg.43
SEE 01-29-01-12-3
MAPS TO BE USED FOR TAX PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE

2208

April 10, 1981

Horace Carson

L. H. Warren

Red Acres Property
(Red Mountain Preservation Committee v. City, et al)

As you are aware, we acquired the lots in this subdivision as an alternative to spending the extra money to put in the streets, sidewalks, curbs, gutters, and sewers previously agreed to by a consent order of Judge Barber. To prevent any future misunderstanding, I suggest a copy of the most recent order be placed in your records (along with a copy of the deed) so that future action will not be taken in ignorance of the consequences to the City.

Not mentioned in the order, but expressed privately by Judge Barber, was a strong hint that the Court would consider any less restrictive rezoning with a jaundiced eye. I have the definite impression that a stronger than usual case, to support such action, would be required, at least for the next several years. As a minimum, I think it would be necessary to show that R-3 zoning prohibits, and will continue to, all reasonable use of the property, even if the City bears the expense of the improvements listed above.

If the property should be sold or resubdivided in the future, the easement reserved (over 11th Place) in the deed should be taken into account, and the possible zoning difficulties should be revealed to a prospective purchaser before such a sale is consummated. Copies of this memo and the deed and order are being transmitted to the City Clerk, and the City Engineer, also.

cc: City Clerk (w/encls.)
City Engineer (w/encls.)
James K. Baker

To: Director of Finance
Building

Date: March 27, 1981

Re: ACQUISITION OF LAND

The information shown below is furnished you in connection with the hereinafter described land, or interest therein, acquired for the City of Birmingham through the Law Department.

If acquisition is hereinafter shown to have been by deed, such instrument has been transmitted to Director of Finance for filing in the office of the Judge of Probate. Pertinent information is shown below in order that you may note it on your records. If acquisition is hereinafter shown to have been by condemnation, pertinent information is also shown.

copy: City Engineer
City Clerk
Law Department

Assistant City Attorney

INFORMATION

Former Owner: Charles Kennedy Porter, Margaret Marks Porter, George Johnston, III; Annette N. Johnston
Interest Acquired: Fee simple title

Purpose for which Acquired: Settlement lawsuit - Red Mountain Preservation Committee v. City, et al

IF ACQUISITION BY DEED:

Date of Deed: March 12, 1981 Amount Paid for Deed: $193,500.00

Description of any taxes or assessments assumed:

Assuming liability 1981 taxes

IF ACQUISITION BY CONDEMNATION:

Date Petition Filed: Number of Cause:

Style of Cause:

Date of Condemnation Order: Award Paid:

Amount of Award:

Amount of Costs:

Information Concerning Any Appeal:

REMARKS:

29-12-2-9-39

DESCRIPTION OF PROPERTY: (To be continued on reverse side if necessary) All lots in the subdivision of Red Acres First Addition as shown by map recorded in Map Book 121, Page 73, Probate Office, Jefferson County, Alabama; subject, however, to (i) the lien for ad valorem taxes for the tax year beginning on October 1, 1980 (ii) all easements, restrictions, encumbrances and reservations shown on said recorded map and (iii) all easements and rights-of-way for public utilities across said real estate appearing of record in the office of Judge of Probate, Jefferson County, Alabama.

Red Acres

STATE OF ALABAMA)
: REAL 2036 PAGE 632
JEFFERSON COUNTY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid to the undersigned Grantors by the CITY OF BIRMINGHAM, a municipal corporation under the laws of Alabama ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, we, the undersigned Grantors, CHARLES KENNEDY PORTER and wife, MARGARET MARKS PORTER and GEORGE JOHNSTON III and wife, ANNETTE N. JOHNSTON ("Grantors"), hereby grant, bargain, sell and convey unto Grantee the following described real estate situated in the City of Birmingham, Jefferson County, Alabama, to-wit:

All lots in the subdivision of Red Acres First Addition as shown by map recorded in Map Book 121, page 73, in the Probate Office of Jefferson County, Alabama;

subject, however, to (i) the lien for ad valorem taxes for the tax year beginning on October 1, 1980, (ii) all easements, restrictions, encumbrances and reservations shown on said recorded map and (iii) all easements and rights-of-way for public utilities across said real estate appearing of record in the office of the Judge of Probate of Jefferson County, Alabama.

Grantors hereby reserve a perpetual easement appurtenant over and across 11th Place South as shown on said recorded map for ingress and egress and for the running of utilities to and for the benefit of the adjacent land of said George Johnston III and Johnston Properties.

TO HAVE AND TO HOLD to Grantee, its successors and assigns in fee simple forever.

And we do for ourselves and for our heirs, executors and administrators covenant with Grantee, its successors and assigns that we are lawfully seized in fee simple of said real estate; that said real estate is free from all encumbrances, unless otherwise noted above; that we have a

This instrument was prepared by
[illegible] WHITAKER, JR.
1710 First [illegible] - Southern Natural Bldg.
Birmingham, ALABAMA

good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 12th day of March, 1981.

Charles Kennedy Porter (SEAL)
CHARLES KENNEDY PORTER

Margaret Marks Porter (SEAL)
MARGARET MARKS PORTER

George Johnston III (SEAL)
GEORGE JOHNSTON III

Annette N. Johnston (SEAL)
ANNETTE N. JOHNSTON

STATE OF ALABAMA)
:
JEFFERSON COUNTY)

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

GIVEN under my hand and official seal of office, this 12th day of March, 1981.

[NOTARIAL SEAL]

Sandra K. Morris
Notary Public

My Commission Expires: 12-31-83

STATE OF ALABAMA)
:
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that MARGARET MARKS PORTER, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office, this 12th day of March, 1981.

[NOTARIAL SEAL]

Sandra K. Morris
Notary Public

My Commission Expires: 12-31-83

REAL 2036 PAGE 634

RED MOUNTAIN PRESERVATION COMMITTEE, an unincorporated association PLAINTIFF VS. THE CITY OF BIRMINGHAM, ALABAMA, et al DEFENDANTS	)	CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA EQUITY DIVISION CASE NO. CV 77 505-273 WCB

ORDER

This cause was duly set on February 23, 1981 upon motion for relief from judgment as filed by Defendants, City of Birmingham, the Mayor and the Members of Council. It appears from the pleadings and from statements of counsel at a conference in chambers that the cost of the subject improvements in 1979 (the day of the consent decree which is the subject of this motion) has greatly increased to this present date. The Court is impressed with the fact that to require the City to make the agreed improvements at the increased cost would be inequitable. The Court is further impressed with the fact that to compel the Plaintiffs to retreat from their position whereby the subject real property was re-zoned R-3 would also be inequitable.

As set forth in the said motion, the subject real property has been offered to the City at a sale price in the sum of $193,500.00 and the City desires to purchase the said property at this figure.

The said motion does not meet the requirement of a bill of review or of a bill in the nature of a bill of review, but the foregoing impressions of the Court are adopted as findings and present a basis for the following orders.

Accordingly, it is CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court as follows:

ONE: This Court has no authority over and has no objection to the purchase by the City of the subject real property.

TWO: So long as the subject real property remains zoned as R-3, no order will emanate from this Court which will compel the City of Birmingham to make the improvements agreed to; however, in the event that the subject property is re-zoned from R-3 to any other zoning, this Court will, upon proper motion, order the City of Birmingham to make the agreed improvements.

THREE: The Defendants, James H. White III ("White"), Charles K. Porter ("Porter"), George Johnston III ("Johnston") and Carter Kennedy ("Kennedy"), shall pay to Plaintiff, or its counsel of record, the sum of ONE THOUSAND AND NO/100 DOLLARS ($1,000.00) as attorney's fee, as set forth in paragraph 8 of the "Consent Decree" of May 11, 1978.

FOUR: Costs of court are re-taxed one-half (1/2) to Plaintiff and one-half (1/2) to Defendants, White, Porter, Johnston and Kennedy.

DONE and ORDERED this 3rd day of April, 1981.

CIRCUIT JUDGE IN EQUITY SITTING

cc: Tommy Yearout, Attorney
1020 First Alabama Bank Building
Birmingham, Alabama 35203

Meade Whitaker, Jr., Attorney
1710 First National-So. Natural Building
Birmingham, Alabama 35203

L.H. Warren, Assistant City Attorney
600 City Hall
Birmingham, Alabama 35203

Edward M. Friend, III, Attorney
P. O. Box 3364-A
Birmingham, Alabama 35205

Approved by the Mayor

Recommended by: City Attorney

Submitted by: L. H. Warren
Law Department

RESOLUTION NO. 298-81

WHEREAS, the City of Birmingham has previously authorized the Mayor to enter into a contract to purchase the real property subject to dispute in the case of Red Mountain Preservation Committee v. City of Birmingham, et als., CV 77-505-273 WCB, at a cost of One Hundred Ninety-Three Thousand Five Hundred Dollars ($193,500.00), on the condition that the City be relieved of its obligation to install streets, sewers, curbs, gutters and sidewalks now expected to cost approximately twice the amount of the Two Hundred Twenty-Five Thousand Dollars ($225,000.00) the City would be allowed to recover by assessments, under the terms of the Consent Decree entered in said case; and

WHEREAS, the Court now has agreed not to require the emplacement of the improvements listed above so long as the subject property remains zoned R-3, Single-Family District;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that the Director of Finance be and hereby is authorized to pay the total amount of One Hundred Ninety-Three Thousand Five Hundred Dollars ($193,500.00) from Capital Improvement Fund to Charles K. Porter, George Johnston, III, and other parties in interest as their interest may appear upon presentation of a deed, approved as to form by the City Attorney or one of his assistants, conveying fee simple title to the City of Birmingham, in and to the following described real property, situated in Birmingham, Jefferson County, Alabama:

All lots in the subdivision of Red Acres First Addition, as shown by a map recorded in Map Book 121, Page 73, in the Probate Office of Jefferson County, Alabama.

61

SPECIAL ATTACHMENT FOR AGENDA OF 3/10/81 (Date) Item No. _____

Submitted By: Law (Dept.) L. H. Warren (Name)

Recommended by: James K. Baker (Name) City Attorney (Title)

A brief synopsis and explanation of the following:

Resolution X Ordinance _____ Other _____

Authorizing Director of Finance to pay a total amount of $193,500 from Capital Improvement Fund in return for deed to Red Acres property involved in case styled, Red Mountain Preservation Committee v. City of Birmingham, et als. City has previously authorized purchase contingent on not being required to provide streets, sewers, sidewalks, curbs and gutters as set out in the Consent Decree previously entered. Court has now agreed not to enforce this provision as long as property remains zoned R-3, Single Family.