

RESOLUTION NO. 22-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That the Land Trust of North Alabama is the sole landowner abutting the property hereinafter described, submitted an application for the vacation of Right-of-way being and lying in Madison County, and being more particularly described as follows (the “Right-of-way” or the “Property”):

**SEE EXHIBIT “A” - “PETITION TO VACATE OF RIGHT-OF-WAY,”
EXHIBIT “B” – “DECLARATION OF VACATION OF RIGHT-OF-WAY” and
EXHIBIT “C” – “PUBLIC HEARING NOTICE”**

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-way at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, March 24, 2022; and

3. That notice of the vacation of the Right-of-way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the Clerk-Treasurer is hereby ordered to have public hearing notice contained in Exhibit “C” attached hereto (“Public Notice”), immediately published in *The Huntsville Times* for four consecutive weeks, with said notice to run beginning on February 27, March 6, March 13 and March 20, 2022.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 24th day of February, 2022.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 24th day of February, 2022.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
MADISON COUNTY)

PETITION FOR VACATION OF RIGHT-OF-WAY

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, **Marie Bostick**, as Executive Director of **Land Trust of North Alabama**, a non-profit, wildlife habitat, water resources and natural lands preservation organization, (hereinafter referred to as "Owner") being the owner of all lands abutting the portion or public way described on **Exhibit A** attached hereto and incorporated herein by reference (the "right-of-way"), pursuant to Section 23-4-20 of the Alabama Code of 1975, do hereby petition the City Council of the City of Huntsville, Alabama, to declare the right-of-way vacated and divested out of the public.

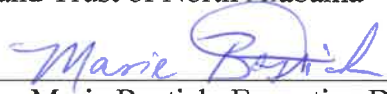
The said owner does further represent and warrant that, after vacation of the right-of-way, convenient means of ingress and egress to and from its properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

Accordingly, the undersigned Owner respectfully petitions and requests that the City Council of the City of Huntsville, Alabama, give such notices, set and conduct such public hearings, adopt such resolutions and ordinances, and takes such other actions, all as are necessary to vacate the right-of-way as required by applicable law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the 9th day of February 2022.

OWNER:

Land Trust of North Alabama

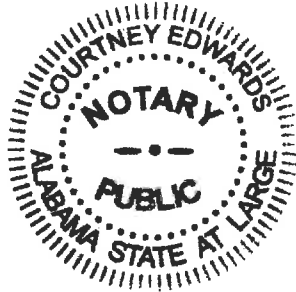

By: Marie Bostick, Executive Director

STATE OF ALABAMA)
MADISON COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Marie Bostick, whose name as Executive Director of Land Trust of north Alabama, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the petition, she, as such Executive Director and with full

authority, executed the same voluntarily for and as the act of said organization on the day the same bears date.

GIVEN under my hand and official seal this the 9th day of February 2022.



Courtney Edwards
Notary Public
My Commission Expires: 11/7/2022

EXHIBIT "A"
(Right -of-Way to be Vacated)

RIGHT-OF-WAY TO BE VACATED

A TRACT OF LAND LYING AND BEING IN THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 38 DEGREES 41 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 4,593.52 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PROPERTY AS DESCRIBED IN DOCUMENT NO. 20130806000518390 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, POINT ALSO DESCRIBED AS A POINT ON A CURVE OF THE NORTHERLY RIGHT-OF-WAY OF CECIL ASHBURN DRIVE; SAID CURVE HAVING A RADIUS OF 826.00 FEET, A CHORD BEARING OF SOUTH 81 DEGREES 34 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 246.45 FEET; THENCE ALONG THE ARC SAID CURVE FOR CECIL ASHBURN DRIVE NORTHERLY RIGHT-OF-WAY A DISTANCE OF 247.37 FEET; THENCE SOUTH 73 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 78.01 FEET; THENCE LEAVING THE RIGHT OF WAY NORTHERLY BOUNDARY SOUTH 17 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CECIL ASHBURN DRIVE AND SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 774 FEET, A CHORD BEARING OF NORTH 48 DEGREES 15 MINUTES 26 SECONDS WEST, A CHORD DISTANCE 1,323.30 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 1,587.09 FEET; THENCE NORTH 10 DEGREES 29 MINUTES 8 SECONDS EAST A DISTANCE OF 85.0 FEET THENCE SOUTH 10 DEGREES 29 MINUTES 8 SECONDS WEST A DISTANCE 175.38 FEET; THENCE LEAVING THE CECIL ASHBURN DRIVE RIGHT-OF-WAY SOUTHERLY BOUNDARY SOUTH 79 DEGREES 30 MINUTES 52 SECONDS EAST A DISTANCE OF 85.0 FEET, THENCE SOUTH 10 DEGREES 29 MINUTES 8 SECONDS WEST A DISTANCE OF 175.38 FEET; THENCE TO A CURVE TO THE LEFT, HAVING A RADIUS OF 689 FEET, A CHORD BEARING OF SOUTH 48 DEGREES 15 MINUTES 26 SECONDS EAST, AND A CHORD DISTANCE OF 1,177.98 FEET; THENCE ALONG ARC OF SAID CURVE 1,412.80 FEET; THENCE SOUTH 17 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 85 FEET TO A POINT ON THE CECIL ASHBURN DRIVE SOUTHERLY RIGHT-OF-WAY AND ALSO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.26 ACRES, MORE OR LESS.

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned **Land Trust of North Alabama**, a non-profit, wildlife habitat, water resources and natural lands preservation organization, (hereinafter referred to as "Owner"), desiring to vacate the certain right-of-way hereinafter described, say as follows:

1. That the said **Land Trust of North Alabama** is the owner of all the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property; and
3. WHEREAS, the said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City; and
4. WHEREAS, the undersigned, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described; and
5. WHEREAS, it may be necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, **Land Trust of North Alabama** as the owners of all property abutting the said right-of-way hereinafter described, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said easement vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND
BY REFERENCE MADE A PART THEREOF.

IN WITNESS WHEREOF, the undersigned owner of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 9th day of February 2022.

Marie Bostick

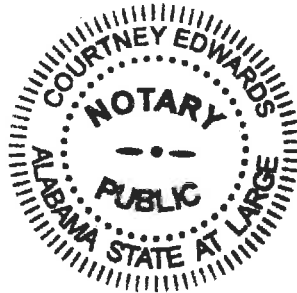
By: Marie Bostick

Its: Executive Director

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Marie Bostick, whose name as Executive Director of **Land Trust of North Alabama**, a non-profit, wildlife habitat, water resources and natural lands preservation organization, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, she, as such representative, and with full authority, executed the same voluntarily for, and as the act of, said corporation, acting in said capacity, as aforesaid.

Given under my hand and official seal of office, this the 9th day of February 2022.



Courtney Edwards

Notary Public

My Commission Expires:

11/7/2022

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(Right -of-Way to be Vacated)

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SAID TRACT CONTAINS 3.26 ACRES, MORE OR LESS.

(Public Hearing Notice to be Published)

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, March 24, 2022.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of Right-of-way in along Cecil Ashburn Drive which is more particularly described as follows:

STATE OF ALABAMA
MADISON COUNTY

A TRACT OF LAND LYING AND BEING IN THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 4 SOUTH, RANGE 1 EAST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities known to have facilities or equipment within the public Right-of-way of the street to be vacated, as their names and addresses appear on roll in the Madison County Revenue Commissioner's office or Madison County Tax Assessor's office, and shall be posted at the Madison County Courthouse and at Huntsville City Hall. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 308 Fountain Circle, 2nd Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.

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