

**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, made application for the vacation of a portion of that certain Right-of-Way more particularly described as follows (the "Right-of-Way" or the "Property"):

**See Exhibit "A" attached hereto and incorporated herein.**

2. That notice of the vacation of the Right-of-Way has been given as required by Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended, and a public hearing held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the designated portion of Right-of-Way and all public rights therein, convenient and reasonable means of ingress and egress to and from the respective property will be afforded to all property owners owning property in or near the Right-of-Way by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the designated portion of Right-of-Way and that the vacation of the designated portion of Right-of-Way is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of that portion of the Right-of-Way as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the Right-of-Way. Title and all public rights shall vest in the abutting landowner, Land Trust of North Alabama.

6. That notice of this resolution shall be published in *The Huntsville Times* no later than fourteen (14) days from the date hereof.

**NOW THEREFORE**, be it resolved by the City Council of the City of Huntsville that they do hereby assent to the said vacation of the herein described portion of Right-of-Way and that the above described Property be and the same is hereby vacated and annulled and all public rights therein divested of the Property, with the City of Huntsville retaining a public utility and drainage Easements over, across and under subject property.

**ADOPTED** this the 24th day of March, 2022.

---

President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 24th day of March, 2022.

---

TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## **EXHIBIT A**

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.