

RESOLUTION NO. 24-477

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

1. That Apollo Land, LLC, and JCF Huntsville II, LLC, are the sole landowners abutting the property hereinafter described, made application for the vacation 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 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 Right-of-Way and that the vacation of the designated 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 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 landowners, Apollo Land, LLC, and JCF Huntsville II, LLC.

6. That notice of this resolution shall be published in The Speakin' Out News 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 Right-of-Way and that the above described Property be and is converted to public Utility and Drainage Easement, and the same is hereby vacated and annulled and all public rights therein divested of the Property.

RESOLUTION NO. 24-477 (Cont'd).

ADOPTED this the 8th day of August, 2024.

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

APPROVED this the 8th day of August, 2024.

Mayor of the City of Huntsville,
Alabama

EXHIBIT A

Legal Description of Right-of-Way

**STATE OF ALABAMA
COUNTY OF MADISON**

PARCEL #1

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, {BEARINGS AND/OR DISTANCES REFERENCED TO THE ALABAMA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83(2011)} AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2, TATE FARMS AT HIDDEN CAVE (PLAT BOOK 2024 PAGE 13); THENCE RUN NORTH 88 DEGREES 37 MINUTES 50 SECONDS WEST 1478.40 FEET ALONG THE BOUNDARY OF SAID LOT 2, TATE FARMS AT HIDDEN CAVE; THENCE RUN NORTH 01 DEGREES 45 MINUTES 50 SECONDS EAST 25.00 FEET ALONG THE BOUNDARY OF SAID LOT 2, TATE FARMS AT HIDDEN CAVE; THENCE RUN SOUTH 88 DEGREES 37 MINUTES 50 SECONDS EAST 1478.40 FEET TO THE EAST LINE OF SAID SECTION 25; THENCE RUN SOUTH 01 DEGREES 45 MINUTES 50 SECONDS WEST 25.00 FEET BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.848 ACRES (36,959 SQUARE FEET) MORE OR LESS.

BUT RESERVING IN FAVOR OF THE CITY OF HUNTSVILLE A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER, ACROSS AND UNDER THE REAL PROPERTY DESCRIBED ABOVE.

AND ALSO,

PARCEL #2

A PARCEL OF LAND SITUATED IN LOT 2, DRY CREEK VILLAS PHASE 2 (PLAT BOOK 2021 PAGE 37830) AND IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, {BEARINGS AND/OR DISTANCES REFERENCED TO THE ALABAMA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83(2011)} AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, TATE FARMS AT HIDDEN CAVE (PLAT BOOK 2024 PAGE 13); THENCE RUN NORTH 01 DEGREES 45 MINUTES 50 SECONDS EAST 25.00 FEET ALONG THE EAST LINE OF SAID SECTION 25 TO THE SOUTH LINE OF LOT 2, DRY CREEK VILLAS PHASE 2 (PLAT BOOK 2021 PAGE 37830)

AND THE POINT OF BEGINNING; THENCE RUN NORTH 88 DEGREES 37 MINUTES 50 SECONDS WEST 1478.40 FEET ALONG THE SOUTH LINE OF SAID LOT 2, TATE FARMS AT HIDDEN CAVE (PLAT BOOK 2024 PAGE 13); THENCE RUN NORTH 01 DEGREES 45 MINUTES 50 SECONDS EAST 25.00 FEET; THENCE RUN SOUTH 88 DEGREES 37 MINUTES 50 SECONDS EAST 1478.40 FEET TO THE EAST LINE OF SAID SECTION 25; THENCE RUN SOUTH 01 DEGREES 45 MINUTES 50 SECONDS WEST 25.00 FEET ALONG THE EAST LINE OF SAID SECTION 25 BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.849 ACRES (36,962 SQUARE FEET) MORE OR LESS.

BUT RESERVING IN FAVOR OF THE CITY OF HUNTSVILLE A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER, ACROSS AND UNDER THE REAL PROPERTY DESCRIBED ABOVE.