

RESOLUTION NO. 24-480

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

1. That Park Place Huntsville, LLC., is the sole landowner 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, Vista Huntsville, 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. 24-480 (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

2-FOOT WIDE STRIP OF STREET RIGHT-OF-WAY TO BE VACATED ALONG DAVIS CIRCLE

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 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 A TWO FOOT WIDE STRIP OF RIGHT-OF-WAY ADJACENT TO THE NORTH BOUNDARY OF LOT 1 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 140 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND HAVING STATE PLANE COORDINATES OF NORTH: 1537421.50, EAST: 429451.08; SAID POINT BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF DAVIS CIRCLE (50-FOOT WIDE PRESENT RIGHT-OF-WAY); THENCE RUN ALONG THE NORTH BOUNDARY OF SAID LOT 1, SOUTH 82 DEGREES 58 MINUTES 03 SECONDS WEST, 241.15 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN SOUTH 82 DEGREES 47 MINUTES 04 SECONDS WEST, 87.15 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN 28.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, A DELTA ANGLE OF 03 DEGREES 05 MINUTES 04 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES 28 MINUTES 32 SECONDS WEST, 28.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE, LEAVING THE NORTH BOUNDARY OF SAID LOT 1, RUN NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 2.41 FEET TO A POINT; THENCE RUN 26.83 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 523.00 FEET, A DELTA ANGLE OF 02 DEGREES 56 MINUTES 21 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 83 DEGREES 24 MINUTES 05 SECONDS EAST, 26.83 FEET TO A POINT; THENCE RUN NORTH 82 DEGREES 47 MINUTES 04 SECONDS EAST, 87.17 FEET TO A POINT; THENCE RUN NORTH 82 DEGREES 58 MINUTES 03 SECONDS EAST, 241.15 FEET TO A POINT; THENCE RUN SOUTH 07 DEGREES 02 MINUTES 08 SECONDS EAST, 2.00 FEET BACK TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.016 ACRES (712 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 AS FOLLOWS:

A 5-FOOT WIDE STRIP OF LAND EVENLY OFF OF THE WEST END OF THE ABOVE DESCRIBED 0.016 ACRE PARCEL.

AND:

A 5-FOOT WIDE STRIP OF LAND EVENLY OFF OF THE EAST END OF THE ABOVE DESCRIBED 0.016 ACRE PARCEL.