



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/23/2024

File ID: TMP-4221

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution to set a public hearing on the vacation of a right-of-way in Kildare Estates, Block 1-5, 1315 Meridian Street and 113 Oakwood Avenue; and introduction of a Resolution consenting to, and introduction of an Ordinance vacating the right-of-way pertaining thereto. (Set June 27, 2024, Regular Council Meeting).

Resolution No.

Resolution No.

Ordinance No.

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: June 5, 12, 19 and 26, 2024

Finance Information:

Account Number: NA

City Cost Amount: NA

Total Cost: NA

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location:

Address: 1315 Meridian Street & 113 Oakwood Avenue

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

RESOLUTION NO. 24-_____

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

1. That **113 Oakwood, LLC and Rishi and Tilak, LLC**, are the sole landowners 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 FOR VACATION OF RIGHT-OF-WAY”

SEE EXHIBIT “B” - “DECLARATION OF VACATION OF RIGHT-OF-WAY”

SEE 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 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, June 27, 2024; 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 City Clerk is hereby ordered to have public hearing notice contained in Exhibit “C” attached hereto (“Public Notice”), immediately published in *The Speakin’ Out News* for four consecutive weeks, with said notice to run beginning on June 5, June 12, June 19 and June 26, 2024.

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 23rd day of May, 2024.

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

APPROVED this the 23rd day of May, 2024.

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 **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30 2023 and RISHI & TILAK, LLC, AN ALABAMA LIMITED LIABILITY COMPANY** being the owners of all land 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 owners do 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 owners respectfully petition and request 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 take such other actions, all as are necessary to vacate the right-of-way as required by applicable law.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned has hereunto set our hand and seal the 23rd day of February, 2024.

**113 OAKWOOD, LLC, AN ALABAMA LIMITED
LIABILITY COMPANY, AS EXCHANGE
ACCOMMODATION TITLEHOLDER, UNDER
THAT CERTAIN QUALIFIED EXCHANGE
AGREEMENT DATED NOVEMBER 30 2023**

Wayne Jones
By: Wayne Jones
Its: Sole Member

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, Wayne Jones whose name as Sole Member of **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30 2023**, 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 the instrument, he, as such Sole Member, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal of office, this the 23rd day of February, 2024.

Jacquelyn V. Munger
Notary Public
My Commission Expires: 6/29/2025

IN WITNESS WHEREOF, the undersigned has hereunto executed this instrument by its duly authorized representative this the 26th day of February, 2024.

RISHI & TILAK, LLC, an Alabama limited liability company



By: Sandipkumar Patel
Its: Member

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, Sandipkumar Patel, whose name as Member of Rishi & Tilak, LLC, an Alabama limited liability company 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 the instrument, he, as such Member, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

GIVEN under my hand and official seal this the 26th day of February, 2024.



Notary Public

My Commission Expires:

6/29/2025

EXHIBIT "A"

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the East Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, North 20 degrees 17 minutes 44 seconds East a distance of 163.84 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the West Boundary Line of Lot 24, Block 2, Kildare Subdivision of McCormick Estates, thence along Lot 24, 23, 22, 21, 20, 19, 18, 17, and 16 Kildare Subdivision of McCormick Estates, South 20 degrees 17 minutes 44 seconds West a distance of 165.77 feet to The Point Of Beginning. Containing 932.6 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

AND ALSO:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest

Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates, thence North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, said point is also located North 20 degrees 17 minutes 44 seconds East a distance of 65.49 feet from a 1 inch hollow pipe stamped found at the Southeast Corner of said Lot 25, Block 2, Kildare Subdivision of McCormick Estates, thence along said East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, North 20 degrees 17 minutes 44 seconds East a distance of 161.91 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, South 20 degrees 17 minutes 44 seconds West a distance of 163.84 feet to The Point Of Beginning. Containing 921.5 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30 2023** and **RISHI & TILAK, LLC, an Alabama limited liability company** (collectively, the “Owners”) desiring to vacate that certain right-of-way hereinafter described, say as follows:

WHEREAS, the undersigned Owners own all land abutting the hereinafter described right-of-way; and,

WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property; and,

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 of Huntsville, Alabama; and,

WHEREAS, the undersigned, by this instrument, declares its intent to vacate the said right-of-way, hereinafter described; and,

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 Owners, being the owners of 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 on **Exhibit “A”** attached hereto.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned Owners have caused this instrument to be executed, on this 23rd day of February, 2024.

OWNERS:

113 OAKWOOD, LLC, AN ALABAMA
LIMITED LIABILITY COMPANY, AS
EXCHANGE ACCOMMODATION
TITLEHOLDER, UNDER THAT CERTAIN
QUALIFIED EXCHANGE AGREEMENT
DATED NOVEMBER 30, 2023


By: Wayne Jones
Its: Sole Member

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, Wayne Jones whose name as Sole Member of **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30, 2023**, 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 the instrument, he, as such Sole Member, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal of office, this the 23rd day of February, 2024.


Notary Public
My Commission Expires: 6/29/2025

IN WITNESS WHEREOF, the undersigned Owners have caused this instrument to be executed, on this 26th day of February, 2024.

OWNERS:

RISHI & TILAK, LLC, an Alabama limited liability company



By: Sandipkumar Patel
Its: Member

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, Sandipkumar Patel, whose name as Member of Rishi & Tilak, LLC, an Alabama limited liability company 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 the instrument, he, as such Member, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

GIVEN under my hand and official seal this the 26th day of February, 2024.



Notary Public

My Commission Expires:

6/29/2025

EXHIBIT "A"

RIGHT-OF-WAY TO BE VACATED

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the East Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, North 20 degrees 17 minutes 44 seconds East a distance of 163.84 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the West Boundary Line of Lot 24, Block 2, Kildare Subdivision of McCormick Estates, thence along Lot 24, 23, 22, 21, 20, 19, 18, 17, and 16 Kildare Subdivision of McCormick Estates, South 20 degrees 17 minutes 44 seconds West a distance of 165.77 feet to The Point Of Beginning. Containing 932.6 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

The above-described property shall remain subject to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

AND ALSO:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

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Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, said point is also located North 20 degrees 17 minutes 44 seconds East a distance of 65.49 feet from a 1 inch hollow pipe stamped found at the Southeast Corner of said Lot 25, Block 2, Kildare Subdivision of McCormick Estates, thence along said East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, North 20 degrees 17 minutes 44 seconds East a distance of 161.91 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, South 20 degrees 17 minutes 44 seconds West a distance of 163.84 feet to The Point Of Beginning. Containing 921.5 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

The above-described property shall remain subject to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

(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 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, June 27, 2024.

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 which runs along 1315 Meridian Street and 113 Oakwood Avenue which is more particularly described as follows:

Legal Description of Right-of-Way

STATE OF ALABAMA
MADISON COUNTY

WEST HALF:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates, thence North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, said point is also located North 20 degrees 17 minutes 44 seconds East a distance of 65.49 feet from a 1 inch hollow pipe stamped found at the Southeast Corner of said Lot 25, Block 2, Kildare Subdivision of McCormick Estates, thence along said East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, North 20 degrees 17 minutes 44 seconds East a distance of 161.91 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, South 20 degrees 17 minutes 44 seconds West a distance of 163.84 feet to The Point Of Beginning. Containing 921.5 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

SUBJECT TO all Right of Ways and any easements recorded or unrecorded.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

EAST HALF:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the East Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

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Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, North 20 degrees 17 minutes 44 seconds East a distance of 163.84 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the West Boundary Line of Lot 24, Block 2, Kildare Subdivision of McCormick Estates, thence along Lot 24, 23, 22, 21, 20, 19, 18, 17, and 16 Kildare Subdivision of McCormick Estates, South 20 degrees 17 minutes 44 seconds West a distance of 165.77 feet to The Point Of Beginning. Containing 932.6 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

SUBJECT TO all Right of Ways and any easements recorded or unrecorded.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

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 or Utility and Drainage Easement 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, 305 Fountain Circle, 4th Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.

RESOLUTION NO. 24-_____

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

1. That 113 Oakwood, LLC, and Rishi and Tilak, 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, 113 Oakwood, LLC, and Rishi and Tilak, 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.

ADOPTED this the 27th day of June, 2024.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 27th day of June, 2024.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Legal Description of Right-of-Way

STATE OF ALABAMA COUNTY OF MADISON

WEST HALF:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates, thence North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, said point is also located North 20 degrees 17 minutes 44 seconds East a distance of 65.49 feet from a 1 inch hollow pipe stamped found at the Southeast Corner of said Lot 25, Block 2, Kildare Subdivision of McCormick Estates, thence along said East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, North 20 degrees 17 minutes 44 seconds East a distance of 161.91 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, South 20 degrees 17 minutes 44 seconds West a distance of 163.84 feet to The Point Of Beginning. Containing 921.5 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

SUBJECT TO all Right of Ways and any easements recorded or unrecorded.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

EAST HALF:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the East Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

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ORDINANCE NO. 24-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a right-of-way; that the applicants have represented to the City of Huntsville that **113 Oakwood, LLC**, and **Rishi and Tilak, LLC**, are the owners of the property across which said right-of-way lies; that said right-of-way, or the portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute quitclaim deeds vacating the right-of-way hereinafter described, said deeds being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30, 2023**, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the said Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

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SUBJECT TO all Right of Ways and any easements recorded or unrecord.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, all of Grantor's right, title, interest and claim in and to the above described real estate.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed on its behalf by its Mayor and attested by its City Clerk, on this the 27 day of June, 2024.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Shaundrika Edwards, City Clerk

By: _____
Tommy Battle, Mayor

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that TOMMY BATTLE and SHAUNDRIKA EDWARDS, whose names as Mayor and City Clerk, respectively, of the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 27th day of June, 2024.

Notary Public
My Commission Expires: _____

Pursuant to and in accordance with Section 40-22-1 of the *Code of Alabama (1975)*, the following information is offered in lieu of submitting Form RT-1:

Date of Transfer: _____, 2024
Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801
Grantee's Address: 8624 Memorial Parkway SW, Huntsville, AL 35802
Property Address: Vacation of easement at 113 Oakwood Ave, Huntsville, AL 35801
Purchase Price: \$0 – Nominal value for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by: MATTHEW R. HARRISON, HARRISON & GAMMONS, P.C., 2430 L&N Drive, Huntsville, AL 35801, 256-533-7711 (HG)

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **RISHI & TILAK, LLC, an Alabama limited liability company**, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the said Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

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TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, all of Grantor's right, title, interest and claim in and to the above described real estate.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed on its behalf by its Mayor and attested by its City Clerk, on this the 27 day of June, 2024.

ATTEST:

**CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation**

By: _____
Shaundrika Edwards, City Clerk

By: _____
Tommy Battle, Mayor

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that TOMMY BATTLE and SHAUNDRIKA EDWARDS, whose names as Mayor and City Clerk, respectively, of the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 27th day of June, 2024.

Notary Public
My Commission Expires: _____

Pursuant to and in accordance with Section 40-22-1 of the *Code of Alabama (1975)*, the following information is offered in lieu of submitting Form RT-1:

Date of Transfer: _____, 2024
Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801
Grantee's Address: 1315 Meridian Street, Huntsville, AL 35801
Property Address: Vacation of easement at 1315 Meridian Street, Huntsville, AL 35801
Purchase Price: \$0 – Nominal value for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by: MATTHEW R. HARRISON, HARRISON & GAMMONS, P.C., 2430 L&N Drive, Huntsville, AL 35801, 256-533-7711 (HG)

Ordinance No. 24-_____ (Cont.)

ADOPTED this the 27th day of June, 2024.

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

APPROVED this the 27th day of June, 2024.

Mayor of the City of
Huntsville, Alabama