

**RESOLUTION NO. 22-\_\_\_\_\_**

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

1. That Enfinger Development, LLC, McMullen Farms, 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 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 10, 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 13, February 20, February 27 and March 6, 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 10th day of February, 2022.

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

**APPROVED** this the 10th day of February, 2022.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

STATE OF ALABAMA

COUNTY OF MADISON

**PETITION FOR VACATION OF RIGHT-OF-WAY**

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, **Jeffrey W. Enfinger**, as Manager of **Enfinger Development, LLC**, an Alabama limited liability company, and **McMullen Farms, L.L.C.**, an Alabama limited liability company (collectively, the "Owners"), being all of the Owners of all the lands abutting the portion of public right-of-way described in 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 right-of-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.

IN WITNESS WHEREOF, the parties hereunder have set their hands and seals as of the dates set forth below.

OWNERS:

**Enfinger Development, LLC**, an Alabama limited liability company

By:   
Jeffrey W. Enfinger, Manager

**McMullen Farms, L.L.C.**, an Alabama limited liability company

By:   
Lyla McMullen, Member/Manager

STATE OF ALABAMA

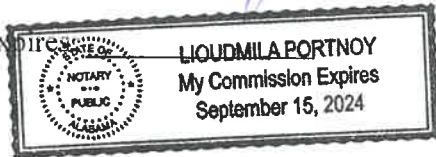
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Jeffrey W. Enfinger, whose name as Manager of ENFINGER DEVELOPMENT, LLC, an Alabama limited liability company, is signed to the foregoing petition and who is known to me, acknowledged before me on this day that, being informed of the contents of the petition, he, as such manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

GIVEN under my hand and official seal this the 9 day of November, 2021.

Lioudmila Portnoy  
Notary Public

My commission expires



STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Lyla McMullen whose name as Member/Manager of McMullen Farms, L.L.C., an Alabama limited liability company, is signed to the foregoing petition and who is known to me, acknowledged before me on this day that, being informed of the contents of the petition, she, as such Member/Manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

GIVEN under my hand and official seal this the 9 day of November, 2021.

Lioudmila Portnoy  
Notary Public

My commission expires



**Exhibit "A"**  
**(Right-of-way to be Vacated)**

BEING A PORTION OF MCMULLEN LANE A 60' RIGHT-OF-WAY LOCATED IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE, NORTH 44 DEGREES 09 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 7,499.08 TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 60.23 FEET TO A POINT; THENCE, NORTH 04 DEGREES 57 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 94.69 FEET TO A POINT; THENCE, NORTH 02 DEGREES 54 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 237.50 FEET TO A POINT; THENCE, NORTH 00 DEGREES 02 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 113.97 FEET TO A POINT; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A DELTA ANGLE OF 75 DEGREES 02 MINUTES 41 SECONDS, HAVING A RADIUS OF 104.34 FEET, HAVING A CHORD BEARING OF NORTH 42 DEGREES 35 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 127.10 FEET TO A POINT; THENCE, NORTH 88 DEGREES 30 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 40.92 FEET TO A POINT; THENCE, ALONG A CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 10 DEGREES 00 MINUTES 36 SECONDS, HAVING A RADIUS OF 370.00 FEET, HAVING A CHORD BEARING OF SOUTH 23 DEGREES 08 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 64.56 FEET TO A POINT; THENCE, SOUTH 88 DEGREES 30 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 59.41 FEET TO A POINT; THENCE, ALONG A CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 67 DEGREES 51 MINUTES 49 SECONDS, HAVING A RADIUS OF 44.34 FEET, HAVING A CHORD BEARING OF SOUTH 41 DEGREES 41 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 49.50 FEET TO A POINT; THENCE, SOUTH 00 DEGREES 02 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 112.28 FEET TO A POINT; THENCE, SOUTH 02 DEGREES 54 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 240.07 FEET TO A POINT; THENCE SOUTH 04 DEGREES 57 MINUTES 44 SECONDS WEST A DISTANCE OF 90.56 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.81 ACRES (35,297 SQUARE FEET) 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, **ENFINGER DEVELOPMENT, LLC**, an Alabama limited liability company, and **MCMULLEN FARMS, L.L.C.**, an Alabama limited liability company (the "Owners"), desire for the City of Huntsville, in the State of Alabama, to vacate that certain right of way hereinafter described, pursuant to Ala. Code 1975, Section 23-4-20, and say as follows:

1. That Owners are the owners of all the land abutting the hereinafter described right of way; and
2. That the retention of said right of way will not benefit the City of Huntsville, Alabama, and the vacation of said right of way will not detrimentally affect the interest of the City of Huntsville or the public; and
3. That the said right of way hereinafter described is situated within the corporate limits of the City of Huntsville and was, upon information and belief, previously conveyed and/or dedicated to the City of Huntsville; and
4. That convenient and reasonable means of ingress and egress are available to the owner of the surrounding property; and
5. That said right of way is not needed for any purpose or to serve any other property owners of the City of Huntsville; and
6. That all persons, firms or corporations owning or claiming any interest in the property abutting said right of way have consented to such vacation, and the undersigned Owners, by this instrument, declare their intent to vacate the right-of-way hereafter described; and

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

**SEE ATTACHED EXHIBIT "A"**

IN WITNESS WHEREOF, the undersigned owners of all property abutting said right of way hereinabove described has caused this instrument to be executed on this 9 day of November, 2021.

**ENFINGER DEVELOPMENT, LLC**, an Alabama limited liability company

By:   
Jeffrey W. Enfinger, Manager

**MCMULLEN FARMS, L.L.C.**, an Alabama limited liability company

By:   
Lyla McMullen, Member/Manager

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Jeffrey W. Enfinger, whose name as Manager of ENFINGER DEVELOPMENT, LLC, an Alabama limited liability company, is signed to the foregoing declaration and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he, as such manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

GIVEN under my hand and official seal this the 9 day of November, 2021.

  
Notary Public  
My commission expires



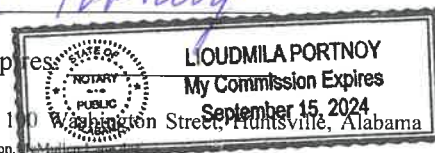
STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Lyla McMullen, whose name as Member/Manager of MCMULLEN FARMS, L.L.C., an Alabama limited liability company, is signed to the foregoing declaration and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she, as such Member/Manager and with full authority, executed the same voluntarily for and as the act of said company on the day the same bears date.

GIVEN under my hand and official seal this the 9 day of November, 2021.

  
Notary Public

My commission expires



## EXHIBIT "A"

BEING A PORTION OF MCMULLEN LANE A 60' RIGHT-OF-WAY LOCATED IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE, NORTH 44 DEGREES 09 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 7,499.08 TO THE POINT OF BEGINNING;

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CONTAINING 0.81 ACRES (35,297 SQUARE FEET) 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 10, 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 McMullen Lane which is more particularly described as follows:

STATE OF ALABAMA  
MADISON COUNTY

BEING A PORTION OF MCMULLEN LANE A 60' RIGHT-OF-WAY LOCATED IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE, NORTH 44 DEGREES 09 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 7,499.08 TO THE POINT OF BEGINNING.

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CONTAINING 0.81 ACRES (35,297 SQUARE FEET) MORE OR LESS.

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](mailto:thomas.nunez@huntsvilleal.gov).



**RESOLUTION NO. 22-\_\_\_\_\_**

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

1. That Enfinger Development, LLC, and McMullen Farms, LLC, are the sole landowners 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, McMullen Farms, LLC

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 10th day of March, 2022.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 10th day of March, 2022.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## EXHIBIT A

STATE OF ALABAMA  
MADISON COUNTY

BEING A PORTION OF MCMULLEN LANE A 60' RIGHT-OF-WAY LOCATED IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE, NORTH 44 DEGREES 09 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 7,499.08 TO THE POINT OF BEGINNING.

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CONTAINING 0.81 ACRES (35,297 SQUARE FEET) MORE OR LESS.

**ORDINANCE NO. 22-\_\_\_\_\_**

**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 applicant has represented to the City of Huntsville that **McMullen Farms, LLC**, is the owner 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 a quitclaim deed vacating the right-of-way hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN  
PERFORMED IN CONNECTION WITH  
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by MCMULLEN FARMS, L.L.C., an Alabama limited liability company, hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the same unto the said Grantee, and to its successors and assigns, forever.

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Ordinance No. \_\_\_\_\_, as of this the 10th day of March, 2022.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

ATTEST:

By: \_\_\_\_\_  
Kenneth Benion, Clerk-Treasurer

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, a municipal corporation.

Given under my hand and official seal this 10th day of March, 2022,

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley  
Wilmer & Lee, PA  
100 Washington Street  
Huntsville, Alabama 35801  
256-533-0202

/VOLUMES/USER-DATA/SAM/REAL-ESTATE/VACATION/COH/ENFINGER DEVELOPMENT/MCMULLEN LANE/QUIT CLAIM  
DEED.MCMULLENS.DOC

## **EXHIBIT "A"**

BEING A PORTION OF A 60' RIGHT-OF-WAY LOCATED IN SECTIONS 5 AND 6, TOWNSHIP 4 SOUTH, RANGE 2 EAST MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA THENCE, NORTH 44 DEGREES 09 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 7,499.08 TO A POINT; THENCE, NORTH 04 DEGREES 57 MINUTES 44 SECONDS EAST A DISTANCE OF 90.56 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 89 DEGREES 13 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 30.02 FEET TO A POINT; THENCE, NORTH 02 DEGREES 54 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 233.72 FEET TO A POINT; THENCE, NORTH 00 DEGREES 02 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 113.29 FEET TO A POINT; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A DELTA ANGLE OF 31 DEGREES 53 MINUTES 35 SECONDS, HAVING A RADIUS OF 74.34 FEET, HAVING A CHORD BEARING OF NORTH 21 DEGREES 57 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 40.85 FEET TO A POINT; THENCE, NORTH 52 DEGREES 05 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE, ALONG A CURVE TO THE RIGHT, HAVING A DELTA ANGLE OF 42 DEGREES 13 MINUTES 19 SECONDS, HAVING A RADIUS OF 104.34 FEET, HAVING A CHORD BEARING OF NORTH 59 DEGREES 00 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 75.16 FEET TO A POINT; THENCE, NORTH 88 DEGREES 30 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 40.92 FEET TO A POINT; THENCE, ALONG A CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 10 DEGREES 00 MINUTES 36 SECONDS, HAVING A RADIUS OF 370.00 FEET, HAVING A CHORD BEARING OF SOUTH 23 DEGREES 08 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 64.56 FEET TO A POINT; THENCE, SOUTH 88 DEGREES 30 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 59.41 FEET TO A POINT; THENCE, ALONG A CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 67 DEGREES 51 MINUTES 49 SECONDS, HAVING A RADIUS OF 44.34 FEET, HAVING A CHORD BEARING OF SOUTH 41 DEGREES 41 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 49.50 FEET TO A POINT; THENCE, SOUTH 00 DEGREES 02 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 112.28 FEET TO A POINT; THENCE, SOUTH 02 DEGREES 54 MINUTES 16 SECONDS WEST A DISTANCE OF 233.35 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.40 ACRES (17,492 SQUARE FEET) MORE OR LESS.

**Ordinance No. 22-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 10th day of March, 2022.

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

**APPROVED** this the 10th day of March, 2020.

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Mayor of the City of  
Huntsville, Alabama