

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA:

WHEREAS, MAZDA TOYOTA MANUFACTURING, U.S.A., a Delaware corporation, THE LAND TRUST OF NORTH ALABAMA, an Alabama corporation, and the ALABAMA TRUST FUND FOR THE STATE OF ALABAMA, pursuant to Amendment 543 of the Constitution of Alabama of 1901), acting by and through its Chairman of the Alabama Forever Wild Land Trust, are the owners of all the land abutting a right-of-way lying within the City of Huntsville, Alabama, which right-of-way is described on Exhibit "A" attached hereto.

WHEREAS, the owners have executed a petition of their intent and desire that the right-of-way above described be abandoned by the City of Huntsville; and they desire to divest any and all right, title and interest which the public may have in and to said right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama, and is no longer needed for a public or municipal purpose; and

WHEREAS, the City Council of the City of Huntsville, Alabama, has been advised and does find that convenient and adequate means of ingress and egress are available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues, and alleys, and having represented to the City Council of the City of Huntsville, Alabama, that the owners of the real property located on all sides have no objections to said vacation and abandonment; and

WHEREAS, in the judgment and opinion of the City Council of the City of Huntsville, Alabama 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 City of Huntsville, Alabama.

NOW, THEREFORE, BE IT RESOLVED, by the City of Huntsville, Alabama, that the City does hereby declare the above-described right-of-way to be vacated and abandoned, divesting the entire right, title and interest of the public and the City of Huntsville, Alabama, in and to said right-of-way.

BE IT FURTHER RESOLVED, that notice of this resolution shall be published in *The Athens News Courier* no later than fourteen (14) days from the date hereof.

ADOPTED, this ____ day of _____, 2021.

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

APPROVED, this _____ day of _____, 2021.

Mayor of the City of Huntsville,
Alabama

Exhibit "A"

Legal Description of Right of Way for Powell Road

RIGHT-OF-WAY TO BE VACATED

TRACT 1

A tract of land lying and being in Sections 9 and 10, Township 4 South, Range 3 West of the Huntsville Meridian.

Said tract being a portion of the Powell Road Right-of-Way as described in Deed Volume 632, Page 69 as recorded in the Office of the Judge of Probate for Limestone County, Alabama and being more particularly described as follows:

Commencing at the northeast corner of Lot 1 of the Limestone Huntsville Combination Plat as recorded in the Office of the Judge of Probate for Limestone County, Alabama in Plat Book J, Page 180, said point being on the west right-of-way of Powell Road; thence along said right-of-way South 1 Degree 35 Minutes 32 Seconds West a distance of 104.47 feet to a #5 rebar with a cap stamped "Garver LLC CA 445 LS" (typical) set, said point being the Point of Beginning, having established grid coordinates of (N) 1534892.00, (E) 352889.98 Zone East of the Alabama State Plane Coordinate System;

Thence leaving said right-of-way South 88 Degrees 24 Minutes 28 Seconds East a distance of 60.27 feet to a #4 rebar with a cap stamped "MSG PS 29724" found on the east right-of-way of Powell Road; thence along said right-of-way South 1 Degree 35 Minutes 37 Seconds West a distance of 5236.78 feet to a #4 rebar with a cap stamped "MSG PS 29724" found; thence leaving said right-of-way North 88 Degrees 11 Minutes 37 Seconds West a distance of 30.86 feet to a railroad spike found marking the southwest corner of Section 10, Township 4 South, Range 3 West of the Huntsville Meridian; thence North 87 Degrees 48 Minutes 31 Seconds West a distance of 29.29 feet to a #5 rebar set on the west right-of-way of Powell Road; thence along said right-of-way North 1 Degree 35 Minutes 32 Seconds East a distance of 5236.36 feet to the POINT OF BEGINNING.

The above described tract contains 7.24 acres (315273.29 sq. ft.), more or less.

And also

TRACT 2

A tract of land lying and being in Sections 15 and 16, Township 4 South, Range 3 West of the Huntsville Meridian.

Said tract being a portion of Powell Road Right-of-Way, Limestone County, Alabama, and being more particularly described as follows:

Beginning at a railroad spike found at the northwest corner of Section 15, Township 4 South, Range 3 West of the Huntsville Meridian having established grid coordinates of (N) 1529656.54, (E) 352773.74 Zone East of the Alabama State Plane Coordinate System; thence along the north boundary of said Section 15 South 88 Degrees 11 Minutes 37 Seconds East a distance of 30.86 feet to a #4 rebar with a cap stamped "MSG PS 29724" found on the east right-of-way of Powell Road; thence leaving said Section line and along said right-of-way South 2 Degrees 00 Minutes 10 Seconds West a distance of 3646.75 feet to a #5 rebar with a cap stamped "Garver LLC CA 445" (typical) set; thence leaving said east right-of-way North 82 Degrees 52 Minutes 39 Seconds West a distance of 60.85 feet to a #5 rebar set on the west right-of-way of Powell Road; thence along said right-of-way North 2 Degrees 00 Minutes 44 Seconds East a distance of 1001.09 feet to a #5

rebar set; thence North 2 Degrees 00 Minutes 40 Seconds East a distance of 2628.04 feet to a #5 rebar set; thence North 1 Degrees 35 Minutes 32 Seconds East a distance of 12.19 feet to a #5 rebar set; thence leaving said right-of-way South 87 Degrees 48 Minutes 31 Seconds East a distance of 29.29 feet to the POINT OF BEGINNING.

The above described parcel contains 5.05 acres (219822.56 sq. ft.), more or less.