

**RESOLUTION NO. 23-\_\_\_\_\_**

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

1. That the Marcye L. Porter, Nathan Michael McCall and wife Kortni Grace McCall, Katherine C. Plexico, and Traymore Properties, 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 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, East Huntsville Baptist Church of Huntsville, Alabama.

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 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.

**ADOPTED** this the 16th day of November, 2023.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 16th day of November, 2023.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## EXHIBIT A

### Legal Description of Right-of-Way and Utility and Drainage Easement

#### Right-of-Way Easement:

All that part of Section 08, Township 04 South, Range 01 East of the Huntsville Meridian, in Huntsville, Alabama more particularly described as beginning at a point located at the Southeast Corner of Lot 7, Block 8 of Greenwycke Village subdivision as recorded in Plat Book 1, Page 296 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, North 87 Degrees 59 Minutes West for a distance of 200.00 feet to a point, said point also being the Southwest Corner of Lot 7, Block 8 of the above referenced subdivision and along the right of way of Garth Road; thence South 02 Degrees 01 Minute West for a distance of 50.00 feet to a point; thence South 87 Degrees 59 East for a distance of 200.00 feet to a point; thence North 02 Degrees 01 Minute East for a distance of 50.00 feet back to the Point of Beginning

*And*

All that part of Section 08, Township 04 South, Range 01 East of the Huntsville Meridian, in Huntsville, Alabama more particularly described as beginning at a point located at the Southwest Corner of Lot 1 of a Resubdivision of Lot 8 Block 8 of Greenwycke Village 7<sup>th</sup> Addition as recorded in Plat Book 2018-00040988 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, South 85 Degrees 27 Minutes 17 Seconds East for a distance of 200.63 feet to a point, said point also being the Southeast Corner of Lot 1 of the above referenced subdivision and along the right of way of Dunsmore Street; thence South 05 Degrees 08 Minutes 53 Seconds West for a distance of 50.12 feet to a point; thence North 85 Degrees 26 Minutes 30 Seconds West for a distance of 200.10 feet to a point; thence North 04 Degrees 32 Minutes 32 Seconds East for a distance of 50.07 feet back to the Point of Beginning

#### Utility and Drainage Easement:

A 10' public utility and drainage easement taken from the north side of the following described line:

All that part of Section 08, Township 04 South, Range 01 East of the Huntsville Meridian, in Huntsville, Alabama more particularly described as beginning at a point located at the Southwest Corner of Lot 1 of a Resubdivision of Lot 8 Block 8 of Greenwycke Village 7<sup>th</sup> Addition as recorded in Plat Book 2018-00040988 in the Office of the Judge of Probate, Madison County, Alabama; thence North 85 27'17" West for a distance of 200.63 feet to a point, said point also being the Southeast corner of said Lot.

### Legal Description of Utility and Drainage Easement

A 20' public utility and drainage easement with 10.00 feet taken evenly from each side of the following described line:

All that part of Section 08, Township 04 South, Range 01 East of the Huntsville Meridian, in Huntsville, Alabama more particularly described as commencing at a point located at the Southeast Corner of Lot 7, Block 8 of Greenwycke Village subdivision as recorded in Plat Book 1, Page 296 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Commencement, South 02 Degrees 01 Minute West for a distance of 25.00 to the Point of Beginning; thence from the Point of Beginning, North 87 Degrees 59 Minutes Seconds West for a distance of 200.00 feet to a point; said point also being along the right of way of Garth Road

*And*

A 20' public utility and drainage easement with 10.00 feet taken evenly from each side of the following described line:

All that part of Section 08, Township 04 South, Range 01 East of the Huntsville Meridian, in Huntsville, Alabama more particularly described as commencing at a point located at the Southwest Corner of Lot 1 of a Resubdivision of Lot 8 Block 8 of Greenwycke Village 7<sup>th</sup> Addition as recorded in Plat Book 2018-00040988 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Commencement, South 04 Degrees 32 Minutes 32 Seconds West for a distance of 25.04 feet to the Point of Beginning; thence from the Point of Beginning, South 84 Degrees 48 Minutes 02 Seconds East for a distance of 200.56 feet to a point; said point also being along the right of way of Dunsmore Street