

## **RESOLUTION NO. 22-747**

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

1. That the Madison Plaza Associates, LLC, is the sole landowner 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, Madison Plaza Associates, 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 27th day of October, 2022.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 27th day of October, 2022.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## EXHIBIT A

### **Tract 2: Right-of-Way to be Vacated – Sanderson Street:**

Commencing at a #5 rebar found at the Southeast corner of Lot 2 of Madison Plaza as recorded in Plat Book 27, Page 72 in the Office of the Judge of Probate for Madison County, Alabama, said point marking the north right-of-way of Sanderson Street; thence along said right-of-way North 87 Degrees 43 Minutes 34 Seconds West a distance of 79.70 feet to a #4 rebar with an illegible cap found; thence North 88 Degrees 28 Minutes 04 Seconds West a distance of 120.99 feet to the point of curvature of a curve to the right having a radius of 826.43 feet, the chord of which is North 82 Degrees 48 Minutes 51 Seconds West for a distance of 140.86 feet; thence along the arc of said curve 141.03 feet to a #5 rebar found on a curve to the right having a radius of 914.99 feet, the chord of which is North 75 Degrees 51 Minutes 31 Seconds West for a distance of 103.19 feet, said point being Point of Beginning of the herein described tract;

Thence along the arc of said curve 103.24 feet to a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" set (typical); thence South 16 Degrees 45 Minutes 47 Seconds West a distance of 10.00 feet to a #4 rebar found on a curve to the right, having a radius of 917.62 feet, the chord of which is North 69 Degrees 13 Minutes 27 Seconds West for a distance of 111.55 feet; thence along the arc of said curve 111.62 feet to a #5 rebar set at the point of tangency of said curve; thence North 65 Degrees 38 Minutes 45 Seconds West a distance of 89.32 feet to a #5 rebar set; thence leaving said right-of-way South 8 Degrees 22 Minutes 27 Seconds West a distance of 86.08 feet to a #5 rebar set on the proposed north right-of-way of Sanderson Street; thence along said proposed right-of-way South 89 Degrees 41 Minutes 23 Seconds East a distance of 30.00 feet to a #5 rebar set; thence South 89 Degrees 41 Minutes 23 Seconds East a distance of 153.02 feet to a #5 rebar set at the point of curvature of a curve to the right having a radius of 388.30 feet, the chord of which is South 85 Degrees 35 Minutes 47 Seconds East for a distance of 57.40 feet; thence along the arc of said curve 57.45 feet to a #5 rebar set; thence South 81 Degrees 10 Minutes 07 Seconds East a distance of 12.50 feet to a #5 rebar set; thence South 81 Degrees 10 Minutes 07 Seconds East a distance of 49.66 feet to a #5 rebar set; thence leaving said proposed right-of-way North 3 Degrees 43 Minutes 21 Seconds West a distance of 8.09 feet to the POINT OF BEGINNING.

The above described parcel contains 0.23 acres (10181.56 sq. ft.) 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: