

RESOLUTION NO. 23-949

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

1. That the Home Space Builders, LLC, is the sole landowner 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, Home Space Builders, 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 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.

RESOLUTION NO. 23-949 (Cont.)

ADOPTED this the 21st day of December, 2023.

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

APPROVED this the 21st day of December, 2023.

Mayor of the City of Huntsville,
Alabama

EXHIBIT A

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

STATE OF ALABAMA
MADISON COUNTY

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

Right-of-Way Easement:

All that part of the Northeast Quarter of the southwest Quarter of Section 2, Township 4 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama. Particularly described as beginning at the Northeast corner of Lot 6, Block 66, according to the record plat of the Lowe Corporation Addition as recorded in Plat Book 1, Page 166 in the Office of the Judge of Probate, Madison County, Alabama; said point being a ½ inch rebar set at the intersection on the West right of way margin of First Street with the South right of way margin of Seventh Avenue;

Thence from the Point of Beginning and along the North boundary line of said Lot 6, Block 66, North 87 degrees 52 minutes 16 seconds West 123.00 feet to a ½ inch rebar set; Thence North 01 degree 03 minutes 47 seconds East 20.00 feet to a ½ inch rebar set; Thence South 87 degrees 52 minutes 16 seconds East 123.00 feet to a ½ inch rebar set on the West right of way margin of said First Street; Thence along said margin, South 01 degree 03 minutes 47 seconds West 20.00 feet to the Point of Beginning and containing 2,459.5 square feet, more or less.



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/21/2023

File ID: TMP-3730

Department: Planning

Subject:

Type of Action: Approval/Action

Resolution consenting to the vacation of a right-of-way located at 2100 1st Street, Lowe Corporation Addition.
(Home Space Builders) (Introduced November 16, 2023, Regular Council Meeting)

Resolution No. 23-949

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: 12/27/2023

Finance Information:

Account Number: N/A

City Cost Amount: N/A

Total Cost: N/A

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location:

Address: 2100 1st Street, Lowe Corporation Addition.

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

Additional Comments: