

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.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 10th day of March, 2022.

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.

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.