



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/12/2022

File ID: TMP-1559

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution consenting to the vacation of a portion of right-of-way along Davis Circle. (Introduced April 14, 2022, Regular Council Meeting)

Resolution No. 22-239

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: N/A

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

Additional Comments:

RESOLUTION NO. 22-239

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

1. That the **CITYCENTRE III, 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, CITYCENTRE III, 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.

RESOLUTION NO. 22-239

ADOPTED this the ____ day of _____, 2022.

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

APPROVED this the ____ day of _____, 2022.

Mayor of the City of Huntsville,
Alabama

EXHIBIT A

ROW TO BE VACATED WITH EASEMENT RESERVATION – PORTION OF DAVIS CIRCLE

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING LOCATED WITHIN THE CITY OF HUNTSVILLE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CITY CENTRE PHASE TWO AS RECORDED IN DOC. NO. 2019-00010161 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1537734.25, EAST: 429284.27; THENCE RUN SOUTH 28 DEGREES 39'32" WEST FOR A DISTANCE OF 317.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF DAVIS CIRCLE AND THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, RUN SOUTH 28 DEGREES 39'32" WEST FOR A DISTANCE OF 28.96 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 475.00 FEET, ARC LENGTH OF 35.84 FEET, DELTA OF 4 DEGREES 19'24", AND A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 05'42" WEST 35.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF DAVIS CIRCLE; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY OF DAVIS CIRCLE AND BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 50.03 FEET, ARC LENGTH OF 61.19 FEET, DELTA OF 70 DEGREES 04'18", AND A CHORD BEARING AND DISTANCE OF NORTH 59 DEGREE 34'09" EAST 57.44 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 0.02 ACRES (789 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:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING LOCATED WITHIN THE CITY OF HUNTSVILLE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, CITY CENTRE PHASE TWO AS RECORDED IN DOC. NO. 2019-00010161 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1537734.25, EAST: 429284.27; THENCE RUN SOUTH 28 DEGREES 39'32" WEST FOR A DISTANCE OF 317.17 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF DAVIS CIRCLE AND THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, RUN SOUTH 28 DEGREES 39'32" WEST FOR A DISTANCE OF 28.96 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 475.00 FEET, ARC LENGTH OF 35.84 FEET, DELTA OF 4 DEGREES 19'24", AND A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 05'42" WEST 35.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF DAVIS CIRCLE; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY OF DAVIS CIRCLE AND BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 50.03 FEET, ARC LENGTH OF 61.19 FEET, DELTA OF 70 DEGREES 04'18", AND A CHORD BEARING AND DISTANCE OF NORTH 59 DEGREE 34'09" EAST 57.44 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 0.02 ACRES (789 SQ. FT.) MORE OR LESS.