

## RESOLUTION NO. 23-04

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

1. That the Rocket City I, 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, Rocket City I, LLC.

6. That notice of this resolution shall be published in *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, with the City of Huntsville retaining a public utility and drainage Easements over, across and under subject property.

**RESOLUTION NO. 23-04 (Cont.)**

**ADOPTED** this the 23rd day of February, 2023.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 23rd day of February, 2023.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## EXHIBIT A

### Right-of-way Vacation

STATE OF ALABAMA  
MADISON COUNTY

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

COMMENCING AT A FOUND ½-INCH IRON PIN ON THE NORTH MARGIN OF PELHAM AVENUE, SAID POINT BEING LOCATED SOUTH 1560.0 FEET AND WEST 982.0 FEET FROM THE CENTER OF THE NORTH BOUNDARY OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST THENCE RUNNING NORTH 1 DEGREES 27 MINUTES WEST ALONG THE WESTERLY BOUNDARY OF COUNCIL COURTS PROJECT NO. 47-1, A DISTANCE OF 99.75 FEET; THENCE LEAVING SAID COUNCIL COURTS BOUNDARY AND RUNNING SOUTH 81 DEGREES 58 MINUTES 18 SECONDS WEST 158.69 FEET TO A POINT ON THE NORTHERLY MARGIN OF THE NEW LOCATION OF DAVIS AVENUE, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 427.55 FEET, A DELTA OF 54 DEGREES 55 MINUTES 12 SECONDS, AND A CHORD BEARING OF NORTH 69 DEGREES 34 MINUTES 22 SECONDS WEST AND CHORD DISTANCE OF 394.31 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 409.82 FEET TO A POINT ON THE NORTHERLY MARGIN OF THE NEW LOCATION OF DAVIS AVENUE; THENCE CONTINUING ALONG THE NORTHERLY MARGIN OF DAVIS AVENUE SOUTH 82 DEGREES 58 MINUTES 03 SECONDS WEST 291.13 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A DELTA OF 33 DEGREES 33 MINUTES 20 SECONDS, AND A CHORD BEARING OF SOUTH 80 DEGREES 15 MINUTES 17 SECONDS EAST AND CHORD DISTANCE OF 57.73 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 58.57 FEET TO A POINT ON THE NORTHERLY MARGIN OF THE NEW LOCATION OF DAVIS AVENUE; SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA OF 81 DEGREES 23 MINUTES 10 SECONDS, AND A CHORD BEARING OF SOUTH 75 DEGREES 49 MINUTES 56 SECONDS WEST AND CHORD DISTANCE OF 65.20 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 71.02 FEET TO A POINT ON THE NORTHERLY MARGIN OF A CUL-DE-SAC AT THE WESTERLY END OF DAVIS AVENUE; THENCE LEAVING THE NORTHERLY MARGIN OF SAID CUL-DE-SAC AND RUNNING SOUTH 06 DEGREES 15 MINUTES 59 SECONDS EAST 66.13 FEET TO THE

SOUTHERLY MARGIN OF SAID CUL-DE-SAC AND A 5/8" IRON PIN (SCHOEL CA #003), SAID POINT BEING THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING; SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 49.98 FEET, A DELTA OF 82 DEGREES 56 MINUTES 57 SECONDS, AND A CHORD BEARING OF SOUTH 89 DEGREES 07 MINUTES 30 SECONDS EAST AND CHORD DISTANCE OF 66.21 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 72.36 FEET TO A 5/8" IRON PIN (SCHOEL CA#003) ON THE EXISTING SOUTHERN RIGHT-OF-WAY OF DAVIS CIRCLE SW; THENCE, SAID PIN MARKING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A DELTA OF 33 DEGREES 11 MINUTES 23 SECONDS, AND A CHORD BEARING OF NORTH 66 DEGREES 00 MINUTES 24 SECONDS EAST AND CHORD DISTANCE OF 57.12 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 57.93 FEET TO A 5/8" IRON PIN (SCHOEL CA#003) ON THE EXISTING SOUTHERN RIGHT-OF-WAY OF DAVIS CIRCLE SW; THENCE, LEAVING THE RIGHT-OF-WAY, SOUTH 82 DEGREES 47 MINUTES 04 SECONDS WEST FOR 86.51 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, A DELTA OF 03 DEGREES 05 MINUTES 04 SECONDS, AND A CHORD BEARING OF SOUTH 83 DEGREES 28 MINUTES 32 SECONDS WEST AND CHORD DISTANCE OF 28.26 FEET; THENCE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 28.26 FEET TO A POINT; THENCE, SOUTH 28 DEGREES 50 MINUTES 33 SECONDS WEST FOR 9.29 FEET TO RETURN TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.04 ACRES (1,618 SQUARE FEET), MORE OR LESS.