

ORDINANCE NO. 24-481

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Vista Huntsville, LLC.**, is the owner of the property across which said easement lies; that said easement, or the portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by VISTA HUNTSVILLE, LLC, a Delaware limited liability company, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

SEE **EXHIBIT "A"** attached hereto and incorporated herein and,
as depicted in **EXHIBIT "B"** attached hereto.

SUBJECT TO AND FURTHER RESERVING UNTO GRANTOR a public utility and drainage easement over, across, upon, and under a portion of the above-described property as further described in Exhibit "A."

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its City Clerk, this the 8th day of August, 2024.

CITY OF HUNTSVILLE, an Alabama
municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk



STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of the City of Huntsville, an Alabama municipal corporation are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 8th day of August,
2024.

Notary Public

My commission expires: _____

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
Lanier Ford Shaver & Payne, PC
Attorney for Grantor
2101 W. Clinton Ave, Ste. 102
Huntsville, Alabama 35805
256-535-1100

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EXHIBIT "A"

(Legal Description of Portion of Right of Way to be Vacated – portion of Davis Circle)

2-FOOT WIDE STRIP OF STREET RIGHT-OF-WAY TO BE VACATED ALONG 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 {BEARING AND/OR DISTANCES REFERENCED TO THE ALABAMA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD '83 (2011)} AND BEING A TWO FOOT WIDE STRIP OF RIGHT-OF-WAY ADJACENT TO THE NORTH BOUNDARY OF LOT 1 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 140 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1 AND HAVING STATE PLANE COORDINATES OF NORTH: 1537421.50, EAST: 429451.08; SAID POINT BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF DAVIS CIRCLE (50-FOOT WIDE PRESENT RIGHT-OF-WAY); THENCE RUN ALONG THE NORTH BOUNDARY OF SAID LOT 1, SOUTH 82 DEGREES 58 MINUTES 03 SECONDS WEST, 241.15 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN SOUTH 82 DEGREES 47 MINUTES 04 SECONDS WEST, 87.15 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN 28.26 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 525.00 FEET, A DELTA ANGLE OF 03 DEGREES 05 MINUTES 04 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES 28 MINUTES 32 SECONDS WEST, 28.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE, LEAVING THE NORTH BOUNDARY OF SAID LOT 1, RUN NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 2.41 FEET TO A POINT; THENCE RUN 26.83 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 523.00 FEET, A DELTA ANGLE OF 02 DEGREES 56 MINUTES 21 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 83 DEGREES 24 MINUTES 05 SECONDS EAST, 26.83 FEET TO A POINT; THENCE RUN NORTH 82 DEGREES 47 MINUTES 04 SECONDS EAST, 87.17 FEET TO A POINT; THENCE RUN NORTH 82 DEGREES 58 MINUTES 03 SECONDS EAST, 241.15 FEET TO A POINT; THENCE RUN SOUTH 07 DEGREES 02 MINUTES 08 SECONDS EAST, 2.00 FEET BACK TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 0.016 ACRES (712 SQUARE FEET) 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:

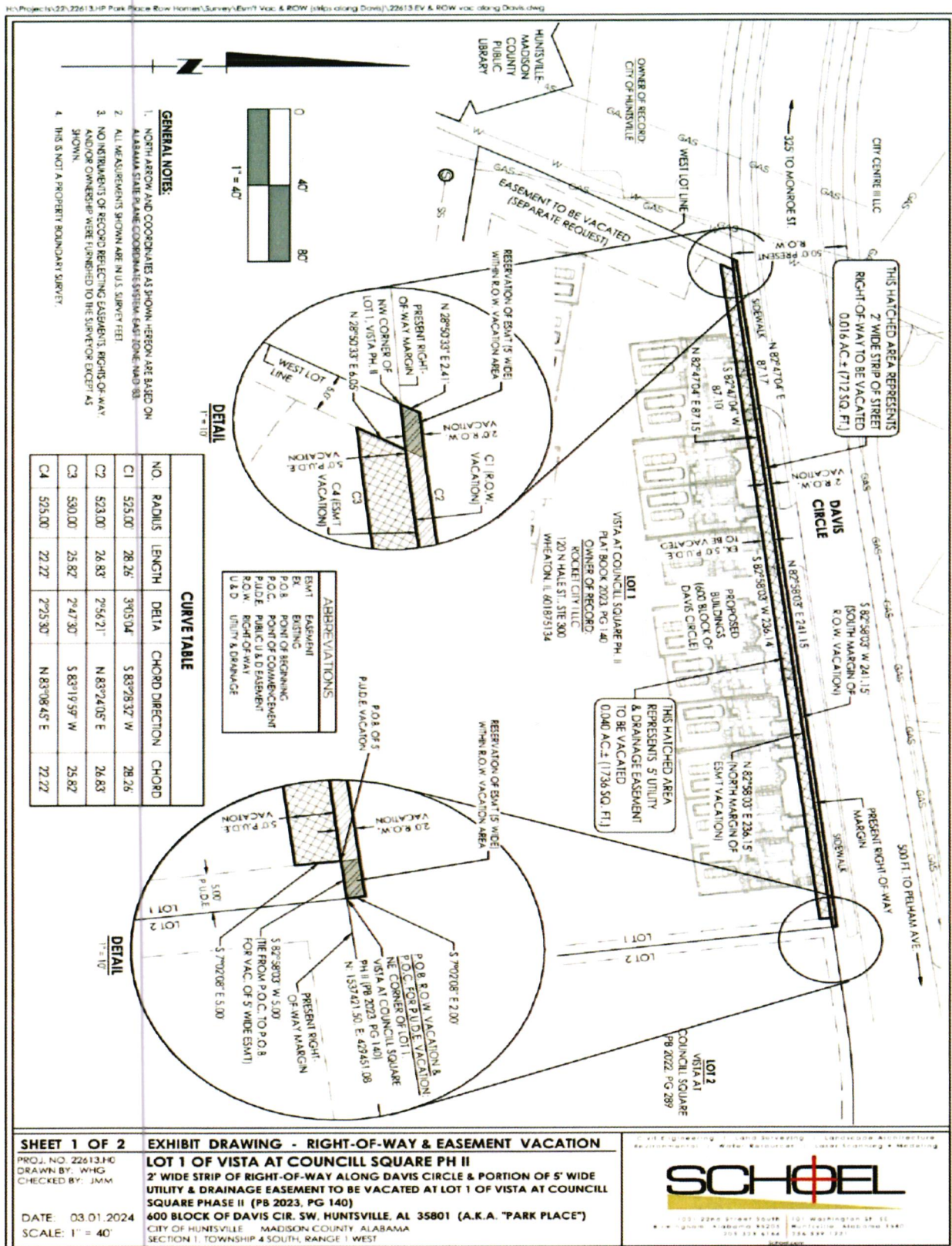
A 5-FOOT WIDE STRIP OF LAND EVENLY OFF OF THE WEST END OF THE ABOVE DESCRIBED 0.016 ACRE PARCEL.

AND:

A 5-FOOT WIDE STRIP OF LAND EVENLY OFF OF THE EAST END OF THE ABOVE DESCRIBED 0.016 ACRE PARCEL.



Exhibit "B" **(Depiction of Right of Way to be Vacated – portion of Davis Circle)**





Ordinance No. 24-481 (Cont'd).

ADOPTED this the 8th day of August, 2024.

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

APPROVED this the 8th day of August, 2024.

Mayor of the City of Huntsville,
Alabama