

**RESOLUTION NO. 22-\_\_\_\_\_**

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

1. That the Hunter Johnson and Amanda Johnson, 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 landowners, Hunter Johnson and Amanda Johnson.

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 27th day of October, 2022.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 27th day of October, 2022.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## **EXHIBIT A**

STATE OF ALABAMA  
MADISON COUNTY

### **PARCEL "A"**

All that part of Section 19, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and being a part of St. Mark Road as shown on the record plat of Wakefield Subdivision as recorded in Plat Book 11, Page 69 in the Office of the Judge of Probate, Madison County, Alabama:

Particularly described as beginning at the Southwest corner of Lot 18, Block 6 of said Wakefield Subdivision, said point being at the end of St. Mark Road on the North right of way margin; Thence from the Point of Beginning and along the North right of way margin of said St. Mark Road, Due East 178.65 feet to the point of curve; Thence around a curve to the left, having a radius of 78.66 feet, a chord bearing and distance of North 76 degrees 23 minutes 41 seconds East 37.00 feet; Thence South 27 degrees 12 minutes 32 seconds East 25.00 feet to the centerline of said road; Thence along the centerline of said St. Mark Road, around a curve to the right, having a radius of 103.66 feet, a chord bearing and distance of South 76 degrees 23 minutes 41 seconds West 48.76 feet; Thence Due West 178.65 feet to the end of said road; Thence Due North 25.00 feet to the Point of Beginning and containing 5,548 square feet, more or less.

AND ALSO

### **PARCEL "B"**

All that part of Section 19, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and being a part of St. Mark Road as shown on the record plat of Wakefield Subdivision as recorded in Plat Book 11, Page 69, in the Office of the Judge of Probate, Madison County, Alabama;

Particularly described as commencing at the Southwest corner of Lot 18, Block 6 of said Wakefield Subdivision, said point being at the end of St. Mark Road on the North right of way margin; Thence Due South 25.00 feet to the Point of Beginning, said point being in the centerline of said St. Mark Road; Thence from the Point of Beginning, Due East 178.65 feet to the point of curve; Thence around a curve to the left, having a radius of 103.66 feet, a chord bearing and distance of North 76 degrees 23 minutes 41 seconds East 48.76 feet; Thence South 27 degrees 12 minutes 32 seconds East 25.00 feet to a point on the South right of way margin of said road; Thence along the South right of way margin of said St. Mark Road, around a curve to the right, having a radius of 128.66 feet, a chord bearing and distance of South 76 degrees 23 minutes 41 seconds West 60.52 feet; Thence Due West 178.65 feet to the end of said road; Thence Due North 25.00 feet to the Point of Beginning and containing 5,845 square feet, more or less.

The above described property shall remain subject to any easement for utilities and drainage in favor of the City of Huntsville, Alabama.