



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/8/2025

File ID: TMP-5445

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution consenting to the vacation of a Right-of-Way in Seminole Park at Indiana Avenue. (Introduced April 10, 2025, Regular Council Meeting)

Resolution No.

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: (list below)

Address:

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

Additional Comments:

RESOLUTION NO. 25-_____

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

1. That HUNTSVILLE HOUSING AUTHORITY, is the sole landowner abutting the property hereinafter described, made application for the vacation of that certain portion of 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 portion 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 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 Right-of-Way and that the vacation of the designated 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 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, Huntsville Housing Authority.

6. That notice of this resolution shall be published in The 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 Right-of-Way and the same is hereby vacated and annulled and all public rights therein divested of the Property.

ADOPTED this the 8th day of May, 2025.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 8th day of May, 2025.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Legal Description of Right-of-Way

STATE OF ALABAMA COUNTY OF MADISON

A tract of land lying and being in Section 2, Township 4 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows:

Commencing at a #4 rebar found with a cap stamped "MULLINS CA #1001" marking the northeast corner of Lot 3, Block 252 according to the 1929 Quigley Map of the City of Huntsville of record in the Office of the Tax Assessor for Madison County, Alabama, said point marking the easterly right-of-way of Brahan Avenue; thence along said right-of-way North 30 Degrees 43 Minutes 02 Seconds East a distance of 39.98 feet to a #5 rebar found marking the southerly right-of-way of Indiana Street, said point being the Point of Beginning of the herein described tract having established grid coordinates of N: 1536760.96, E: 425467.52, of the Alabama State Plane Coordinate System Zone West of NAD 83;

Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.