

RESOLUTION NO. 22-_____

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

1. That Mazda Toyota Manufacturing, U.S.A., The Land Trust of North Alabama, and Alabama Trust Fund for the State of Alabama, are the sole landowners abutting the property hereinafter described, submitted an application for the vacation of Right-of-Way in Limestone Huntsville Combination Plat Subdivision being and lying in Limestone County, and being more particularly described as follows (the "Right-of-Way" or the "Property"):

**SEE EXHIBIT "A-PETITION FOR VACANCY OF RIGHT-OF-WAY,"
EXHIBIT "B-DECLARATION OF VACATION" and
EXHIBIT "C-PUBLIC HEARING NOTICE**

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-Way at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, February 24, 2022; and

3. That notice of the vacation of the Right-of-Way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-Way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the Clerk-Treasurer is hereby ordered to have public hearing notice contained in Exhibit "C" attached hereto ("Public Notice"), immediately published in *The Athens News Courier* for four consecutive weeks, with said notice to run beginning on January 18, January 25, February 1, and February 8, 2022.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 13th day of January, 2022.

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

APPROVED this the 13th day of January, 2022.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)

COUNTY OF LIMESTONE)

PETITION FOR APPROVAL OF AND ASSENT TO
VACATION OF POWELL ROAD RIGHT OF WAY

THIS PETITION FOR APPROVAL OF AND ASSENT TO VACATION OF POWELL ROAD RIGHT OF WAY (the "Petition") is made as of this 12 day of November, 2021, by MAZDA TOYOTA MANUFACTURING, U.S.A., INC., a Delaware corporation, THE LAND TRUST OF NORTH ALABAMA, an Alabama corporation, and the ALABAMA TRUST FUND FOR THE STATE OF ALABAMA, pursuant to Amendment 543 of the Constitution of Alabama of 1901), acting by and through its Chairman of the Alabama Forever Wild Land Trust (collectively, "Owners") to the CITY COUNCIL OF THE CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama ("City").

WITNESSETH:

WHEREAS Owners are the owners of all of the real property abutting a portion of Powell Road in the City of Huntsville, Limestone County, Alabama, more particularly described on Exhibit "A," attached hereto, and as graphically depicted on Exhibit "B1" attached hereto (collectively, the "Right of Way"), which is situated and lying and being within the corporate limits of the City; and

WHEREAS, the Owners desire to vacate the Right of Way; and

WHEREAS, adequate, convenient and reasonable means of ingress and egress are available to the Owners and other owners of real properties within the general vicinity of the Right of Way by virtue of rights of way within the City; and

WHEREAS, heretofore, the Right of Way was acquired by, and dedicated to, the City and the public by virtue of prescription, public user or otherwise; and

WHEREAS, Owners have executed a Declaration of Vacation of even date herewith vacating the Right of Way subject to approval of and assent to, and vacation by, the City Council of the City.

NOW, THEREFORE, pursuant to Sections 23-4-2, 23-4-5, 23-4-20 and 35-2-54 of the Alabama Code of 1975, and other applicable law, all as last amended, the Owners, as the owners of all real property abutting the Right of Way, do hereby petition the City Council of the City for approval of and assent to vacation of the Right of Way.

As grounds for the relief sought, Owners petition, represent, and show unto the City Council of the City as follows:

1. That the Right of Way is more particularly described on Exhibit "A," attached hereto.
2. That, to the best of Owners' actual knowledge:

- a. There are no other owners of lots or parcels of land abutting the Right of Way which will be cut off from access thereby over some other reasonable and convenient way;
- b. It is in the interest of the public that the Right of Way be vacated;
- c. The Right of Way is no longer needed for public or municipal purposes;
- d. The retention of the Right of Way will not benefit the City or the public;
- e. Vacation of the Right of Way will not deprive other property owners of such right as they may have to adequate, convenient, and reasonable means of ingress and egress to and from their respective real properties, which such right is afforded by remaining rights of way within the City; and
- f. No owner of real property served by the Right of Way objects to the vacation of the same.

WHEREFORE, the premises considered, Owners respectfully petition and request that the City Council of the City give such notices; set and conduct such public hearings; adopt such resolutions and ordinances; and take such other actions, all as are necessary to approve of and assent to vacation of, and to vacate, the Right of Way as required by applicable law.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the undersigned have caused this Petition to be executed as of the date first above written.

MAZDA TOYOTA MANUFACTURING,
U.S.A., INC.,
a Delaware corporation

By: Mark Bratzeal
Printed Name: Mark Bratzeal
Its: Vice President

STATE OF Alabama)
COUNTY OF Limestone)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mark Bratzeal whose name as Vice President of MAZDA TOYOTA MANUFACTURING, U.S.A., INC., a Delaware corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND and official seal on this the 19 day of October, 2021.

Naethie Redwine
Notary Public

My Commission Expires:
7/24/2024

[SEAL]

THE LAND TRUST OF NORTH ALABAMA
an Alabama corporation

By: Marie Bostick
Printed Name: Marie Bostick
Its: Executive Director

STATE OF ALABAMA)

COUNTY OF Madison)

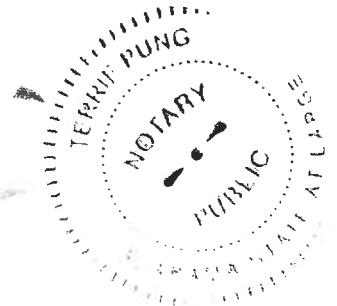
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Marie Bostick whose name as Executive Director of THE LAND TRUST OF NORTH ALABAMA, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND and official seal on this the 22 day of October, 2021.

Terrie Pung
Notary Public

[SEAL]

My Commission Expires:



Alabama Trust Fund for the State of Alabama,
pursuant to Amendment 543 of the Constitution
of Alabama of 1901, acting by and through the
Alabama Forever Wild Land Trust

APPROVED LEGAL

By:
Name: Christopher M. Blankenship
Title: Chairman

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, the undersigned, Notary Public, in and for said County in said State, hereby certify that Christopher M. Blankenship, the Chairman of **Alabama Forever Wild Land Trust**, signed the foregoing Shared Road Reciprocal Easement Agreement, and who is known to me, acknowledged before me this day that, being informed of the contents of said agreement, he executed the same voluntarily as and for the act of said **Alabama Forever Wild Land Trust** acting on behalf of the **Alabama Trust Fund for the State of Alabama** (pursuant to Amendment 543 of the Constitution of Alabama of 1901).

Given under my hand and seal this 12 day of November, 2021

Notary Public

My Commission Expires:

[SEAL]

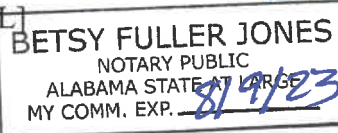


Exhibit "A"

Legal Description of Right of Way

TRACT 1

A tract of land lying and being in Sections 9 and 10, Township 4 South, Range 3 West of the Huntsville Meridian.

Said tract being a portion of the Powell Road Right-of-Way as described in Deed Volume 632, Page 69 as recorded in the Office of the Judge of Probate for Limestone County, Alabama and being more particularly described as follows:

Commencing at the northeast corner of Lot 1 of the Limestone Huntsville Combination Plat as recorded in the Office of the Judge of Probate for Limestone County, Alabama in Plat Book J, Page 180, said point being on the west right-of-way of Powell Road; thence along said right-of-way South 1 Degree 35 Minutes 32 Seconds West a distance of 104.47 feet to a #5 rebar with a cap stamped "Garver LLC CA 445 LS" (typical) set, said point being the Point of Beginning, having established grid coordinates of (N) 1534892.00, (E) 352889.98 Zone East of the Alabama State Plane Coordinate System;

Thence leaving said right-of-way South 88 Degrees 24 Minutes 28 Seconds East a distance of 60.27 feet to a #4 rebar with a cap stamped "MSG PS 29724" found on the east right-of-way of Powell Road; thence along said right-of-way South 1 Degree 35 Minutes 37 Seconds West a distance of 5236.78 feet to a #4 rebar with a cap stamped "MSG PS 29724" found; thence leaving said right-of-way North 88 Degrees 11 Minutes 37 Seconds West a distance of 30.86 feet to a railroad spike found marking the southwest corner of Section 10, Township 4 South, Range 3 West of the Huntsville Meridian; thence North 87 Degrees 48 Minutes 31 Seconds West a distance of 29.29 feet to a #5 rebar set on the west right-of-way of Powell Road; thence along said right-of-way North 1 Degrees 35 Minutes 32 Seconds East a distance of 5236.36 feet to the POINT OF BEGINNING.

The above described tract contains 7.24 acres (315273.29 sq. ft.), more or less.

And also

TRACT 2

A tract of land lying and being in Sections 15 and 16, Township 4 South, Range 3 West of the Huntsville Meridian.

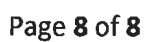
Said tract being a portion of Powell Road Right-of-Way, Limestone County, Alabama, and being more particularly described as follows:

Beginning at a railroad spike found at the northwest corner of Section 15, Township 4 South, Range 3 West of the Huntsville Meridian having established grid coordinates of (N) 1529656.54, (E) 352773.74 Zone East of the Alabama State Plane Coordinate System; thence along the north boundary of said Section 15 South 88 Degrees 11 Minutes 37 Seconds East a distance of 30.86 feet to a #4 rebar with a cap stamped "MSG PS 29724" found on the east right-of-way of Powell Road; thence leaving said Section line and along said right-of-way South 2 Degrees 00 Minutes 10 Seconds West a distance of 3646.75 feet to a #5 rebar with a cap stamped "Garver LLC CA 445" (typical) set; thence leaving said east right-of-way North 82 Degrees 52 Minutes 39 Seconds West a distance of 60.85 feet to a #5 rebar set on the west right-of-way of Powell Road; thence along said right-of-way North 2 Degrees 00 Minutes 44 Seconds East a distance of 1001.09 feet to a #5 rebar set; thence North 2 Degrees 00 Minutes 40 Seconds East a distance of 2628.04 feet to a #5 rebar set; thence North 1 Degrees 35 Minutes 32 Seconds East a distance of 12.19 feet to a

#5 rebar set; thence leaving said right-of-way South 87 Degrees 48 Minutes 31 Seconds East a distance of 29.29 feet to the POINT OF BEGINNING.

The above described parcel contains 5.05 acres (219822.56 sq. ft.), more or less.

Graphical Depiction of Vacated Portion of Powell Road



STATE OF ALABAMA)

COUNTY OF LIMESTONE)

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned MAZDA TOYOTA MANUFACTURING, U.S.A., a Delaware corporation, THE LAND TRUST OF NORTH ALABAMA, an Alabama corporation, and ALABAMA TRUST FUND FOR THE STATE OF ALABAMA, pursuant to Amendment 543 of the Constitution of Alabama of 1901) acting by and through its Chairman of the Alabama Forever Wild Land Trust (collectively, "Owners") desiring to vacate that certain rights-of-way hereinafter described, say as follows:

1. That Owners are the owners of all the land abutting the hereinafter described right-of-way.
2. That convenient and reasonable means of ingress and egress are available to the owners of the surrounding property.
3. That said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City or its predecessors.
4. That Owners, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described.

NOW, THEREFORE, the undersigned, as the owners of all property abutting the said right-of-way hereinafter described, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-of-way vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

See Exhibit "A" and Exhibits "B1", attached hereto

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the undersigned owners of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, as of the 12 day of November, 2021.

MAZDA TOYOTA MANUFACTURING,
U.S.A., INC.,
a Delaware corporation

By: Mark Brazel
Printed Name: Mark Brazel
Its: Vice President

STATE OF Alabama)
COUNTY OF Limestone)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mark Brazel whose name as Vice President of MAZDA TOYOTA MANUFACTURING, U.S.A., INC. a Delaware corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND and official seal on this the 19 day of October, 2021.

Nadine Redwine
Notary Public

My Commission Expires:
7/24/2024

[SEAL]

THE LAND TRUST OF NORTH ALABAMA
an Alabama corporation

By: Marie Bostick
Printed Name: Marie Bostick
Its: Executive Director

STATE OF ALABAMA)
COUNTY OF Madison)

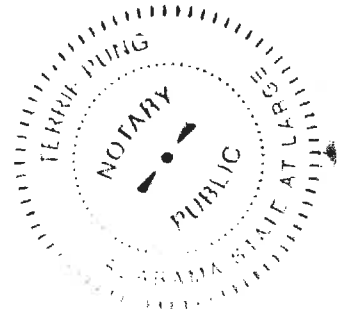
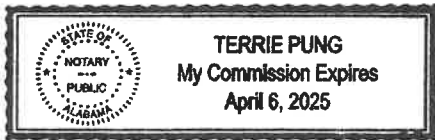
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Marie Bostick whose name as Executive Director of THE LAND TRUST OF NORTH ALABAMA, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND and official seal on this the 22 day of October, 2021.

Terrie Pung
Notary Public

[SEAL]

My Commission Expires:

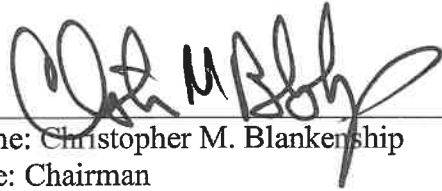


Alabama Trust Fund for the State of Alabama,
pursuant to Amendment 543 of the Constitution
of Alabama of 1901, acting by and through the
Alabama Forever Wild Land Trust

APPROVED LEGAL



By:


Name: Christopher M. Blankenship
Title: Chairman

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, the undersigned, Notary Public, in and for said County in said State, hereby certify that Christopher M. Blankenship, the Chairman of **Alabama Forever Wild Land Trust**, signed the foregoing Shared Road Reciprocal Easement Agreement, and who is known to me, acknowledged before me this day that, being informed of the contents of said agreement, he executed the same voluntarily as and for the act of said **Alabama Forever Wild Land Trust** acting on behalf of the **Alabama Trust Fund for the State of Alabama** (pursuant to Amendment 543 of the Constitution of Alabama of 1901).

Given under my hand and seal this 12 day of November, 2021.


Notary Public

My Commission Expires:

[SEAL] BETSY FULLER JONES
NOTARY PUBLIC
ALABAMA STATE ATTORNEY
MY COMM. EXP. 8/19/23

Exhibit "A"

Legal Description of Right of Way
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The above described tract contains 7.24 acres (315273.29 sq. ft.), more or less.

And also

TRACT 2

A tract of land lying and being in Sections 15 and 16, Township 4 South, Range 3 West of the Huntsville Meridian.

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Beginning at a railroad spike found at the northwest corner of Section 15, Township 4 South, Range 3 West of the Huntsville Meridian having established grid coordinates of (N) 1529656.54, (E) 352773.74 Zone East of the Alabama State Plane Coordinate System; thence along the north boundary of said Section 15 South 88 Degrees 11 Minutes 37 Seconds East a distance of 30.86 feet to a #4 rebar with a cap stamped "MSG PS 29724" found on the east right-of-way of Powell Road; thence leaving said Section line and along said right-of-way South 2 Degrees 00 Minutes 10 Seconds West a distance of 3646.75 feet to a #5 rebar with a cap stamped "Garver LLC CA 445"

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The above described parcel contains 5.05 acres (219822.56 sq. ft.), more or less.

Graphical Depiction of Vacated Portion of Powell Road



(Public Hearing Notice to be Published)

NOTICE OF PUBLIC HEARING

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, February 10, 2022.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of Right-of-Way along Powell Road in Limestone County, Alabama, (Limestone Huntsville Combination Plat), which is more particularly described as follows:

STATE OF ALABAMA
LIMESTONE COUNTY

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The above described parcel contains 5.05 acres (219822.56 sq. ft.), more or less.

This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities know to have facilities or equipment within the public Right-of-Way of the street to be vacated, as their names and addresses appear on roll in the Limestone County Revenue Commissioner's office or Limestone County Tax Assessor's office, and shall be posted at the Limestone County Courthouse and at Athens City Hall.

Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 308 Fountain Circle, 2nd Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.