



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/1/2022

File ID: TMP-2370

Department: Planning

Subject:

Type of Action: Approval/Action

Resolution consenting to the vacation of a right-of-way in Old Town Subdivision, along Clinton Avenue and Monroe Street. (Introduced October 27, 2022, Regular Council Meeting)
Resolution No. 22-851

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: 12/9/2023

Finance Information:

Account Number: N/A

City Cost Amount: \$

Total Cost: \$

Special Circumstances:

Grant Funded: \$

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments:

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 Huntsville Phase I QOZB, 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, Huntsville Phase I QOZB, LLC.

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 1st day of December, 2022.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 1st day of December, 2022.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Right-of-way Vacation

Commencing at a point at the intersection of the westerly Right-of Way of Monroe Street and the Northwestern Right-of-Way of Clinton Avenue, same being the southeast corner of Lot 12, Block 292 of the Quigley Map of the City of Huntsville, Madison County, Alabama and run South $58^{\circ}01'01''$ West along the northwesterly Right-of-Way line of Clinton Avenue a distance of 100.28 feet to a 5/8-inch rebar on a non-tangent curve concave to the northwest having a radius of 99.98 feet;

Thence run northeastwardly along said curve for an arc distance of 61.25 feet to the **Point of Beginning** that bears North $40^{\circ}21'22''$ East and 60.30 feet from the last described point;

Thence continue northwardly along said curve for an arc distance of 43.04 feet to a point that bears North $10^{\circ}28'22''$ East and 42.71 feet from the last described point;

Thence run South $31^{\circ}58'39''$ East for a distance of 31.51 feet;

Thence run South $58^{\circ}01'01''$ West for a distance of 28.83 feet to the **Point of Beginning**, comprising an area of 0.01 acres (388 sq.ft.), more or less.