ORDINANCE NO. 12-_____

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 a vacation of a buffer of screen planting easement; that the applicant has represented to the City of Huntsville that **EROS Investments, LLC, an Alabama limited liability company,** is the owner of the property across which said easement lies; that said easement or 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)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation,** with a mailing address of P.O. Box 308, Huntsville, Alabama 35801, hereinafter referred to as "Grantor", in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS, in hand paid to it by **EROS INVESTMENTS, LLC, an Alabama limited liability company,** with a mailing address of 145 Lansdowne Drive, Madison, AL 35758, 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 said 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:

A PORTION OF THE EXISTING 15 FOOT WIDE BUFFER OF SCREEN PLANTING EASEMENT RUNNING PARALLEL TO THE WEST PROPERTY LINE OF LOT 2, TBG SUBDIVISION AS RECORDED IN DOCUMENT NUMBER 20120301000129600 IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED IRON PIN (STAMPED CA451LS) MARKING THE NORTHWEST CORNER OF SAID LOT IN SAID SUBDIVISION; THENCE SOUTH 4 DEGREES 10 MINUTES 27 SECONDS WEST A DISTANCE OF 30.77 FEET TO A POINT; THENCE SOUTH 85 DEGREES 49 MINUTES 33 SECONDS EAST A DISTANCE OF 12.40 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT; THENCE SOUTH 88 DEGREES 56 MINUTES 28 SECONDS EAST A DISTANCE OF 2.60 FEET TO A POINT; THENCE SOUTH 4 DEGREES 10 MINUTES 27 SECONDS WEST A DISTANCE OF 60.23 FEET TO A POINT; THENCE NORTH 89 DEGREES 6 MINUTES 52 SECONDS WEST A DISTANCE OF 0.08 FEET TO A POINT; THENCE NORTH 1 DEGREE 46 MINUTES 31 SECONDS EAST A DISTANCE OF 60.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 80.63 SQUARE FEET MORE OR LESS.

Property Address: 5991 Pulaski Pike, Huntsville, Alabama 35810.

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

The undersigned Grantor does hereby attest, to the best of its knowledge and belief that the information contained in this document is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in *Code of Alabama* (1975) § 40-22-1 (h).

IN WITNESS WHEREOF, the Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the 1st day of November, 2012.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By:_____
Charles E. Hagood, Clerk-Treasurer

By:_____
Tommy Battle, Mayor

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 **CHARLES E. HAGOOD,** whose names as Mayor and Clerk-Treasurer, respectively, of the **CITY OF HUNTSVILLE, ALABAMA, a municipal corporation** are signed to the foregoing instrument, 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 voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 1st day of November, 2012.

_____
Notary Public
My Commission Expires: _____

Date of Conveyance:

THIS INSTRUMENT WAS PREPARED BY: ROBERT E. RAWLINSON, HARRISON, GAMMONS & RAWLINSON, P.C., 2430 L & N DRIVE, HUNTSVILLE, ALABAMA 35801/ang

ADOPTED this the 1st day of November, 2012.

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

APPROVED this the 1st day of November, 2012.

_____
Mayor of the City of
Huntsville, Alabama