

RESOLUTION NO. 13-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HUNTSVILLE, ALABAMA:

WHEREAS, RBJ Bailey Plaza, LLC, hereinafter referred to as Owner, is the Owner of the land abutting a right-of-way lying within the City of Huntsville, Alabama, which said right-of-way is described as follows, to-wit:

All that part of Section 20 and 21, Township 4 South, Range 1 East, Madison County, Alabama and being particularly described as:

Commencing at a railroad spike found that is said to be the southwest corner of Section 21, Township 4 South, Range 1 East, Madison County, Alabama; thence N 01°34'33"E a distance of 1589.64 feet; thence S88°25'27"E a distance of 8.74 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N14°35'58"W along the easterly right-of-way line of Carl T. Jones Drive a distance of 191.82 feet to the point of beginning; thence S60°03'56"W a distance of 19.41 feet; thence northerly 243.47 feet along a curve to the left having a radius of 2,210.16 feet and a chord bearing of N19°49'30"W and a chord distance of 243.35 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N66°10'24"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 41.42 feet; thence S14°35'58"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 243.85 feet to the point of beginning and containing 0.16 acres, more or less.

WHEREAS, the abovesaid Owner has executed a declaration of their intent and desire that right-of-way above described be abandoned by the City of Huntsville; and desires to divest any and all right, title and interest which the public may have in and to said portion of the right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama;

WHEREAS, the Owner has represented to the City Council of the City of Huntsville, Alabama, and the City Council, based upon such representation does find:

1. That the retention of said right-of-way will not benefit the City of Huntsville, Alabama; and
2. That convenient and adequate means of ingress and egress is available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues and alleys; and
3. That the abutting property owners represent that no owner of property served by the right-of-way being vacated (or of property

within the subdivision where the right-of-way lies) objects to the vacation of the alley.

WHEREAS, the owner desires that the above described property be converted to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned and does further declare right-of-way to be converted to an easement for utilities and drainage.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above-described right-of-way to be abandoned, divesting the entire right, title and interest of the City of Huntsville, Alabama, in and to said alleyway.

ADOPTED, this the 22nd day of August, 2013.

\_\_\_\_\_  
President of the City Council  
Of the City of Huntsville, Alabama

APPROVED, this the 22nd day of August, 2013.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

STATE OF ALABAMA

COUNTY OF MADISON

**DECLARATION OF VACATION OF RIGHT-OF-WAY**

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Raymond B. Jones, Jr., as Managing Member of RBJ Bailey Plaza LLC, desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owners are the owners of all the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property; and
3. WHEREAS, the 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; and
4. WHEREAS, the undersigned, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described; and
5. WHEREAS, it may be necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

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 easement vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

All that part of Section 20 and 21, Township 4 South, Range 1 East, Madison County, Alabama and being particularly described as:

Commencing at a railroad spike found that is said to be the southwest corner of Section 21, Township 4 South, Range 1 East, Madison County, Alabama; thence N01°34'33"E a distance of 1589.64 feet; thence S88°25'27"E a distance of 8.74 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N14°35'58"W along the easterly right-of-way line of Carl T. Jones Drive a distance of 191.82 feet to the point of beginning; thence S60°03'56"W a distance of 19.41 feet; thence northerly 243.47 feet along a curve to the left having a radius of 2,210.16 feet and a chord bearing of N19°49'30"W and a chord distance of 243.35 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N66°10'24"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 41.42 feet; thence S14°35'58"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 243.85 feet to the point of beginning and containing 0.16 acres, more or less.

**BUT RESERVING IN FAVOR OF GRANTOR A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER, ACROSS AND UNDER THE REAL PROPERTY DESCRIBED AS FOLLOWS:**

All that part of Section 20 and 21, Township 4 South, Range 1 East, Madison County, Alabama and being particularly described as:

Commencing at a railroad spike found that is said to be the southwest corner of Section 21, Township 4 South, Range 1 East, Madison County, Alabama; thence N01°34'33"E a distance of 1589.64 feet; thence S88°25'27"E a distance of 8.74 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N14°35'58"W along the easterly right-of-way line of Carl T. Jones Drive a distance of 187.36 feet to the point of beginning; thence S73°19'51"W a distance of 18.73 feet; thence northerly 243.47 feet along a curve to the left having a radius of 2,210.16 feet and a chord bearing of N19°49'30"W and a chord distance of 243.35 feet to the easterly right-of-way line of Carl T. Jones Drive; thence N66°10'24"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 41.42 feet; thence S14°35'58"E along the easterly right-of-way line of Carl T. Jones Drive a distance of 248.30 feet to the point of beginning and containing 6,808 square feet or 0.16 acres, more or less.

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

IN WITNESS WHEREOF, the undersigned owners of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 14<sup>th</sup> day of August, 2013.

**RBJ BAILEY PLAZA LLC**


By:   
Raymond B. Jones, Jr.  
Its: Managing Member

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that **Raymond B. Jones, Jr.**, whose name as Managing Member of **RBJ Bailey Plaza LLC**, an Alabama limited liability company, 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 said instrument, he as such Managing Member, and with full authority, executed the same voluntarily for, and as the act of, said limited liability company, acting in said capacity, as aforesaid.

Given under my hand and official seal of office, this the 14<sup>th</sup> day of August, 2013.



  
Notary Public  
My Commission Expires:  
3.15.17