

ORDINANCE NO. 13-_____

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 right-of-way; that the applicant has represented to the City of Huntsville that the RBJ Bailey Plaza, LLC, is the owner of the property across which said right-of-way lies; that said right-of-way 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 right-of-way hereinafter described, said deed being substantially in words and figures as follows, to-wit:

THIS INSTRUMENT PREPARED BY:

Daniel M. Wilson Esq.
Maynard, Cooper & Gale, P.C.
655 Gallatin Street
Huntsville, Alabama 35801

QUITCLAIM DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MADISON)

THAT FOR and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned the **CITY OF HUNTSVILLE**, a municipal corporation in the State of Alabama (hereinafter referred to as the "Grantor"), in hand paid by **RBJ BAILEY PLAZA LLC**, an Alabama limited liability company (hereinafter referred to as the "Grantee"), receipt of which is acknowledged, the Grantor does hereby remise, release, quitclaim, grant, sell and convey unto the Grantee, all of its interest in and to the following described real estate situated in Madison County, Alabama 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 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.

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

Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

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|--------------------|---|
| Grantor's Address: | 308 Fountain Circle, PO Box 308, Huntsville, Alabama 358011 |
| Grantee's Address: | 401 Franklin Street, Suite B, Huntsville, AL 3580 |
| Property Address: | Carl T. Jones Drive |
| Purchase Price: | N/A |

[Signature page to follow]

IN WITNESS WHEREOF, GRANTOR has hereunto set its hand and seal, effective as of the ____ day of _____, 2013.

CITY OF HUNTSVILLE,
a municipal corporation

By: _____
Print Name: _____
Its: _____

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that _____, whose name as _____, of **CITY OF HUNTSVILLE**, a municipal corporation, is 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, he, as such _____ and with full authority, executed the same for and as the act of said municipal corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____, 2013.

[SEAL]

Notary Public
My Commission Expires _____

Ordinance No. 13-_____ (Cont.)
RBJ Bailey Plaza, LLC

ADOPTED this the 22nd day of August, 2013.

President of the City Council
of Huntsville, Alabama

APPROVED this the 22nd day of August, 2013.

Mayor of the City of
Huntsville, Alabama