

RESOLUTION NO. 13-_____

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

WHEREAS, Central North Alabama Health Services, Inc., 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:

SEE ATTACHED EXHIBIT A

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 owner represents 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 12th day of September, 2013.

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

APPROVED, this the 12th day of September, 2013.

Mayor of the City of Huntsville,
Alabama

All that part of Lot 14 and the North half of Lot 1, according to the Patterson Survey as recorded in Deed Book QQ, Page 109 in the Office of the Judge of Probate, Madison County, Alabama, and a part of Block 270 according to the Quigley Map of the City of Huntsville as shown in the Office of the Tax Assessor, Madison County, Alabama.

Commencing at a 5/8" rebar found on the Eastern right-of-way margin of Pulaski Pike at the Northwest corner of Lot 5 according to the record plat of a Resubdivision of Roosevelt Park Resubdivision as recorded in Plat Book 15, Page 82 in the Office of the Judge of Probate of Madison County, Alabama, said point is further described as being the Northwest corner of Parcel No. A-1-7A1 according to the recorded plat of Neighborhood Development Project ALA. A-2 Area 1 as recorded in Plat Book 9, Page 98:

Thence, from the Point of Commencement and leaving the Eastern right-of-way margin of said Pulaski Pike, North 64 degrees 19 minutes 27 seconds East, 123.29 feet to the True Point of Beginning:

Thence, from the Point of Beginning, North 32 degrees 46 minutes 10 seconds West, 105.23 feet to a point lying on the South right-of-way margin of Larkin Lane (A.K.A. Larkin

Avenue or Larkin Street); thence, along the South right-of-way margin of said Larkin Lane, North 64 degrees 21 minutes 23 seconds East, 60.47 feet to a point lying at the intersection of the South right-of-way margin of said Larkin Lane and the Eastern margin of an existing 30 foot Utility and Drainage Easement; thence, leaving the South right-of-way margin of said Larkin Lane and run along the Eastern boundary of said 30 foot Utility and Drainage Easement, South 32 degrees 46 minutes 10 seconds East, 105.20 feet to a point located at intersection the Easterly boundary of said 30 foot Utility and Drainage Easement and the North boundary of said Lot 5 according to the record plat of a Resubdivision of Roosevelt Park Resubdivision; thence, leaving the Eastern boundary of said 30 foot Utility and Drainage Easement continuing along the North Boundary of said Lot 5, South 64 degrees 19 minutes 27 seconds West, 60.46 feet to the Point of Beginning and containing 6,313 square feet (0.145 Acres), more or less.

Subject to and retaining all rights in a Public 30 foot Utility and Drainage Easement taken evenly off of and running parallel with the Eastern boundary of the Subject Property described above.

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CENTRAL NORTH ALABAMA HEALTH SERVICES, INC.**, an Alabama corporation, 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 Lot 14 and the North half of Lot 1, according to the Patterson Survey as recorded in Deed Book QQ, Page 109 in the Office of the Judge of Probate, Madison County, Alabama, and a part of Block 270 according to the Quigley Map of the City of Huntsville as shown in the Office of the Tax Assessor, Madison County, Alabama.

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Subject to and retaining all rights in a Public 30 foot Utility and Drainage Easement taken evenly off of and running parallel with the Eastern boundary of the Subject Property described above.

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 12th day of September, 2013.

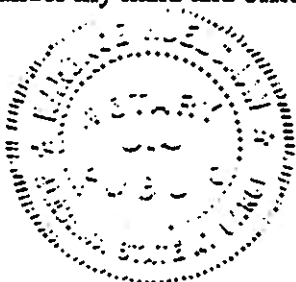
CENTRAL NORTH ALABAMA HEALTH SERVICES, INC., an Alabama corporation

By: [Signature]
Name: CARLETON H.A. PYFROM
Its: PRESIDENT/CEO

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that CARLETON H.A. PYFROM whose name as PRESIDENT/CEO of CENTRAL NORTH ALABAMA HEALTH SERVICES, INC., 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 said instrument, he/she, as such representative, and with full authority, executed the same voluntarily for, and as the act of, said corporation, acting in said capacity, as aforesaid.

Given under my hand and official seal of office, this the 12th day of September, 2013.



[Signature]
Notary Public
My Commission Expires: 12/11/13