

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 portion of a 5-foot utility and drainage easement; that the applicants have represented to the City of Huntsville that **Dan I. Pollard and wife, Donna S. Pollard**, are the owners 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 (hereinafter referred to as "Grantor"), in consideration of the sum of **Ten and No/100 (\$10.00) Dollars**, in hand paid to it by **DAN I. POLLARD and wife, DONNA S. POLLARD** (hereinafter collectively referred to as "Grantee"), and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quit-claim and convey unto the said **DAN I. POLLARD and wife, DONNA S. POLLARD**, 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:

ALL THAT PART OF LOT 90 OF A RESUBDIVISION OF LOT 90 AND THE ADJACENT COMMON AREA OF EASTERN SHORE SUBDIVISION SECOND ADDITION (AS RECORDED AS DOCUMENT #20050824000566800) AS RECORDED AS DOCUMENT NUMBER 20130925000629990 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A ½" REBAR WITH HILL CAP AT THE NORTHWEST CORNER OF SAID LOT 90; THENCE, ALONG THE WEST BOUNDARY OF SAID LOT, SOUTH 22 DEGREES 58 MINUTES 28 SECONDS EAST (STATE PLANE BEARINGS, ALABAMA EAST ZONE, NAD 1983) 48.90 FEET TO A 5/8" REBAR WITH SMITH CAP FOUND; THENCE, CONTINUE ALONG THE WEST BOUNDARY OF SAID LOT, SOUTH 11 DEGREES 20 MINUTES 36 SECONDS EAST 25.68 FEET TO ANOTHER 5/8" REBAR WITH SMITH CAP FOUND; THENCE, INTO SAID LOT, SOUTH 75 DEGREES 32 MINUTES 24 SECONDS EAST 11.06 FEET TO THE INTERSECTION OF THE EAST BOUNDARY OF A 10-FOOT UTILITY AND DRAINAGE EASEMENT AND THE NORTH BOUNDARY OF A 5-FOOT UTILITY AND DRAINAGE AND PERPETUAL MAINTENANCE EASEMENT, THIS BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE, FROM THE POINT OF BEGINNING, ALONG THE NORTH BOUNDARY OF SAID 5-FOOT EASEMENT, SOUTH 75 DEGREES 32 MINUTES 24 SECONDS EAST 60.54 FEET TO THE WEST BOUNDARY OF THE 10-FOOT UTILITY AND DRAINAGE EASEMENT WHICH LIES ALONG EASTERN SHORE DRIVE; THENCE, ALONG A LINE WHICH IS 10.00 FEET WEST OF AND PARALLEL TO THE RIGHT OF WAY FOR EASTERN SHORE DRIVE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 2180.25 FEET, THE CHORD BEARING AND DISTANCE BEING SOUTH 10 DEGREES 48 MINUTES 50 SECONDS WEST 5.01 FEET TO THE SOUTH BOUNDARY OF THE AFOREMENTIONED UTILITY AND DRAINAGE AND PERPETUAL MAINTENANCE EASEMENT; THENCE, ALONG THE SOUTH BOUNDARY OF SAID EASEMENT, NORTH 75 DEGREES 32 MINUTES 24 SECONDS WEST 58.49 FEET TO THE EAST BOUNDARY OF THE 10-FOOT UTILITY AND DRAINAGE EASEMENT WHICH LIES ALONG THE WEST BOUNDARY OF SAID LOT 90; THENCE, ALONG THE EAST BOUNDARY OF SAID EASEMENT, NORTH 10 DEGREES 49 MINUTES 45 SECONDS WEST 5.53 FEET TO THE POINT OF BEGINNING, CONTAINING 298 SQUARE FEET, MORE OR LESS.

TO HAVE AND TO HOLD unto the said Grantee, their heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed on this the 19 day of December, 2013.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Charles E. Hagood, Clerk-Treasurer

By: _____
Tommy Battle, Mayor

(Notary on following page)

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 19 day of December, 2013.

Notary Public
My Commission Expires: _____

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

Ordinance No. 13-_____ (Cont.)
Pollard

ADOPTED this the 19th day of December, 2013.

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

APPROVED this the 19th day of December, 2013.

Mayor of the City of
Huntsville, Alabama