

RESOLUTION NO. 14-_____

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

WHEREAS, Legacy Partners Huntsville, 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:

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 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.

ADOPTED, this the 9th day of October, 2014.

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

APPROVED, this the 9th day of October, 2014.

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 Legacy Partners Huntsville, LLC, desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owners are the owners of 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:

SEE ATTACHED EXHIBIT A

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 9th day of OCTOBER, 2014.

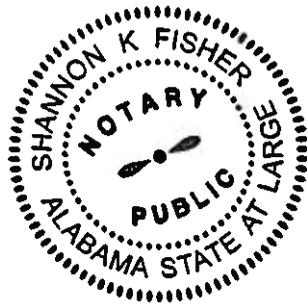
LEGACY PARTNERS HUNTSVILLE, LLC

By: 
Name: Raymond B. Jones Sr
Its: Munger

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 Bubner Jr., whose name as Manager of LEGACY PARTNERS HUNTSVILLE, LLC, 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 9th day of October, 2014.



Shannon K. Fisher
Notary Public
My Commission Expires:
9.16.2017

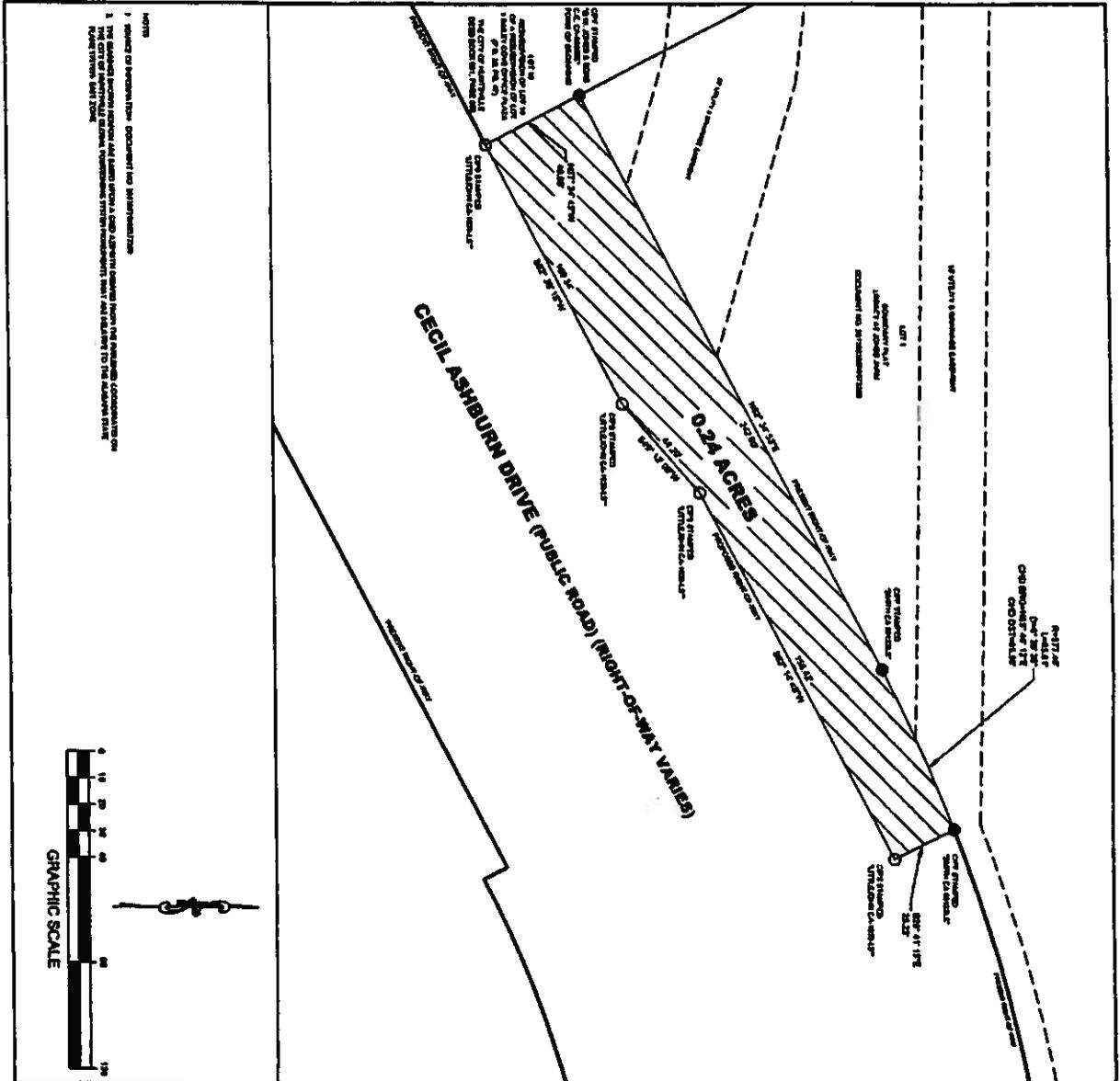
Exhibit A

RIGHT-OF-WAY VACATION DESCRIPTION

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

Beginning at a capped Iron pin found stamped "G.W. Jones & Sons C.E. CA-2000E" on the northerly boundary of Cecil Ashburn Drive and being the southernmost corner of Lot 1 of the "Boundary Plat Legacy at Jones Farm" as recorded in Document No. 20130829000572200 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N62°34'53"E along the northerly right-of-way line of Cecil Ashburn Drive, a distance of 242.60 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence northeasterly, 65.61 feet along the northerly right-of-way line of Cecil Ashburn Drive and along a curve to the right, having a radius of 577.46 feet and a chord bearing of N65°46' 12"E and a chord distance of 65.58 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence S26°41'15"E, a distance of 25.23 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence 62°14'49"-w, a distance of 155.42 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S49°12'09"W, a distance of 44.20 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S62°35'15"W, a distance of 109.34 feet to a capped Iron pin set stamped "Littlejohn CA-1039-LS"; thence N27°24'45"W, a distance of 40.00 feet to the point of beginning.

Containing 10,359.73 square feet or 0.24 acres, more or less.



NOTES:
 1. The standard bearing method and latest known CADD Adjusted bearings from the measuring connection on the ground were used.
 2. THE CITY OF MOBILE HAS A CITY ENGINEER LICENSE FROM THE MEASURING CONNECTION ON THE GROUND FROM 1981 TO 2001.

RIGHT-OF-WAY VACATION DESCRIPTION

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

Beginning at a capped iron pin found stamped "Q.W. Jones & Sons C.E. CA-3000E" on the northern boundary of Cecil Ashburn Drive and being the southern most corner of Lot 1 of the "Boundary Plat Legacy at James Farm" as recorded in Document No. 2015020000072200 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence S67°34'37"E along the northerly right-of-way line of Cecil Ashburn Drive, a distance of 242.60 feet to a capped iron pin found stamped "Smith CA-0012215"; thence northeasterly, 66.61 feet along the northerly right-of-way line of Cecil Ashburn Drive and along a curve to the right, having a radius of 677.46 feet and a chord bearing of N66°56'17"E and a chord distance of 62.58 feet to a capped iron pin found stamped "Smith CA-0012215"; thence S34°11'15"E, a distance of 25.23 feet to a capped iron pin found stamped "Tishington CA-1028445"; thence S62°14'43"W, a distance of 153.42 feet to a capped iron pin found stamped "Tishington CA-1028445"; thence S49°12'09"W, a distance of 44.28 feet to a capped iron pin found stamped "Tishington CA-1028445"; thence S12°35'19"W, a distance of 119.24 feet to a capped iron pin found stamped "Tishington CA-1028445"; thence N27°24'57"W, a distance of 40.00 feet to the point of beginning.

Containing 19,358.73 square feet or 0.24 acres, more or less.

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Surveyor's Signature: _____
 Alabama License No.: 34330
 Date: _____

RIGHT-OF-WAY VACATION FOR A PART OF CECIL ASHBURN DRIVE LEGACY APARTMENTS

SECTION 21, TOWNSHIP 4 SOUTH, RANGE 1 EAST
 MADISON COUNTY, ALABAMA

C10
 RIGHT-OF-WAY VACATION

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned All In Properties 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:

RIGHT-OF-WAY VACATION DESCRIPTION

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

Beginning at a capped Iron pin found stamped "G.W. Jones & Sons C.E. CA-2000E" on the northerly boundary of Cecil Ashburn Drive and being the southernmost corner of Lot 1 of the "Boundary Plat Legacy at Jones Farm" as recorded in Document No. 20130829000572200 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N62°34'53"E along the northerly right-of-way line of Cecil Ashburn Drive, a distance of 242.60 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence northeasterly, 65.61 feet along the northerly right-of-way line of Cecil Ashburn Drive and along a curve to the right, having a radius of 577.46 feet and a chord bearing of N65°46' 12"E and a chord distance of 65.58 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence S26°41'15"E, a distance of 25.23 feet to a capped

iron pin set stamped "Littlejohn CA-1039-LS"; thence 62°14'49"-w, a distance of 155.42 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S49°12'09"W, a distance of 44.20 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S62°35'15"W, a distance of 109.34 feet to a capped Iron pin set stamped "Littlejohn CA-1039-LS"; thence N27°24'45"W, a distance of 40.00 feet to the point of beginning.

Containing 10,359.73 square feet or 0.24 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.

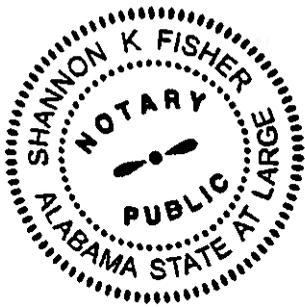
IN WITNESS WHEREOF, the undersigned owners of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 7th day of October, 2014.

All in Property -
By: Michael D. Johnson
Name: Michael D. Johnson
Its: Managing Partner

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Michael Ashbison, whose name as Managing Partner of All in Properties LLC, a 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 7th day of October, 2014.



Shannon K. Fisher
Notary Public
My Commission Expires: 9.16.2017

OR:

(Individual Making Declaration)

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that _____, whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same on the day the same bears date.

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

Notary Public
My Commission Expires: _____

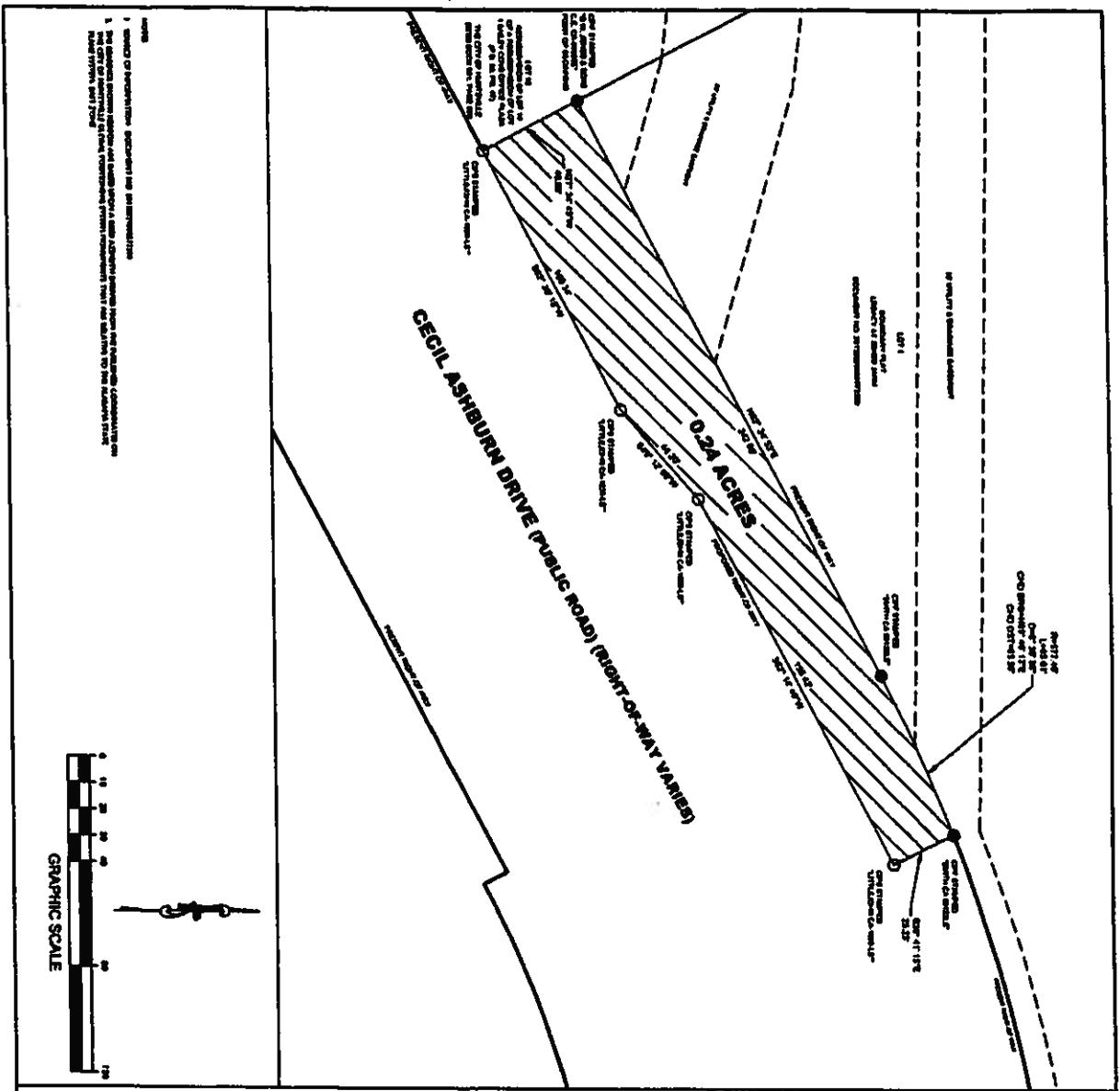
Exhibit A

RIGHT-OF-WAY VACATION DESCRIPTION

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

Beginning at a capped Iron pin found stamped "G.W. Jones & Sons C.E. CA-2000E" on the northerly boundary of Cecil Ashburn Drive and being the southernmost corner of Lot 1 of the "Boundary Plat Legacy at Jones Farm" as recorded in Document No. 20130829000572200 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N62°34'53"E along the northerly right-of-way line of Cecil Ashburn Drive, a distance of 242.60 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence northeasterly, 65.61 feet along the northerly right-of-way line of Cecil Ashburn Drive and along a curve to the right, having a radius of 577.46 feet and a chord bearing of N65°46' 12"E and a chord distance of 65.58 feet to a capped Iron pin found stamped "Smith CA-00122LS"; thence S26°41'15"E, a distance of 25.23 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence 62°14'49-w, a distance of 155.42 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S49°12'09"W, a distance of 44.20 feet to a capped iron pin set stamped "Littlejohn CA-1039-LS"; thence S62°35'15"W, a distance of 109.34 feet to a capped Iron pin set stamped "Littlejohn CA-1039-LS"; thence N27°24'45"W, a distance of 40.00 feet to the point of beginning.

Containing 10,359.73 square feet or 0.24 acres, more or less.



1. The dimensions shown on this map are based on a survey conducted by the City of Madison County, Alabama, and are subject to the accuracy of the survey. The City of Madison County, Alabama, is not responsible for any errors or omissions on this map.



RIGHT-OF-WAY VACATION DESCRIPTION

All the parts of Section 21, Township 4 South, Range 1 East, Madison County, Alabama and more particularly described as:

Beginning at a capped iron pin found stamped "Q.W. Jones & Son, C.E. CA-3008" on the northern boundary of Cecil Ashburn Drive and being the eastern most corner of Lot 1 of the "Boundary Pin Legacy of James Foster" as recorded in Document No. 20110029000572200 in the Office of the Public Trustee of Madison County, Alabama, thence S67°24'07" E along the northern right-of-way line of Cecil Ashburn Drive, a distance of 242.80 feet to a capped iron pin found stamped "Sally CA-011245", thence northeasterly, 66.81 feet along the northern right-of-way line of Cecil Ashburn Drive and being a curve to the right, having a radius of 577.46 feet and a chord bearing of N65°29'17" E and a distance of 62.58 feet to a capped iron pin found stamped "Sally CA-011245", thence S30°47'15" E, a distance of 25.23 feet to a capped iron pin found stamped "Ludwig CA-1028145", thence S89°12'08" W, a distance of 183.42 feet to a capped iron pin found stamped "Ludwig CA-1028145", thence S62°28'19" W, a distance of 102.34 feet to a capped iron pin found stamped "Ludwig CA-1028145", thence N177°24'57" W, a distance of 40.00 feet to the point of beginning.

Containing 10.38873 square feet or 0.24 acres, more or less.

I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

Surveyor's Signature: _____
 Alabama License No.: 34319

Date: _____

Littlejohn

1000 North Loop West, Suite 100, Littlejohn, Alabama 36044
 Phone: 205-338-1111 | Fax: 205-338-1112

**RIGHT-OF-WAY VACATION FOR
 A PART OF CECIL ASHBURN DRIVE
 LEGACY APARTMENTS**

SECTION 21, TOWNSHIP 4 SOUTH, RANGE 1 EAST
 MADISON COUNTY, ALABAMA

REG GALEY, LLC
 REG GALEY, LLC
 A MEMBER OF
 THE SURVEYING PROFESSION

ALABAMA
 No. 21359
 REGISTERED
 LAND
 SURVEYOR
 J. RICHARD GARDNER

C1.0
 RIGHT-OF-WAY
 VACATION