

RESOLUTION NO. 15-\_\_\_\_\_

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

WHEREAS, Alabama State Board of Education (Calhoun Community College), 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 are 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-ways 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 right-of-ways.

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-ways to be abandoned and does further declare right-of-way to be converted to an easement for utilities and drainage.

ADOPTED, this the 4th day of January, 2015.

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

APPROVED, this the 8th day of January, 2015.

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Mayor of the City of Huntsville,  
Alabama

**RIGHT-OF-WAY AND EASEMENT VACATION**

BEGIN AT A CAPPED IRON PIN AT THE SOUTHWEST CORNER OF LOT 2 ACCORDING TO THE MAP OF SURVEY OF CALHOUN COMMUNITY COLLEGE PLACE AS RECORDED IN DOCUMENT NUMBER 20140507000237870 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY MARGIN OF OLD MADISON PIKE WITH THE EAST RIGHT-OF-WAY MARGIN OF WYNN DRIVE AND BEING THE TRUE POINT OF BEGINNING,

THENCE FROM THE TRUE POINT OF BEGINNING SOUTH 72 DEGREES 23 MINUTES 32 SECONDS WEST A DISTANCE OF 127.26 FEET TO A POINT ON THE WEST MARGIN OF SAID WYNN DRIVE; THENCE NORTH 01 DEGREES 50 MINUTES 17 SECONDS EAST ALONG SAID MARGIN A DISTANCE OF 146.53 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 605.67 FEET, (CHORD BEARING NORTH 22 DEGREES 50 MINUTES 18 SECONDS EAST, CHORD DISTANCE 434.11 FEET) AN ARC DISTANCE OF 443.98 FEET TO A POINT;

THENCE NORTH 43 DEGREES 50 MINUTES 17 SECONDS EAST A DISTANCE OF 717.60 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 417.49 FEET, (CHORD BEARING NORTH 17 DEGREES 28 MINUTES 24 SECONDS EAST, CHORD DISTANCE 370.80 FEET) AN ARC DISTANCE OF 384.21 FEET TO A POINT;

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**TEMPORARY PUBLIC UTILITY AND DRAINAGE EASEMENT**

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**PERMANENT EASEMENT DEDICATION**  
**PUBLIC UTILITY AND DRAINAGE EASEMENT 1**

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**PUBLIC UTILITY AND DRAINAGE EASEMENT 2**

BEGIN AT THE NORTHEAST CORNER OF LOT 2 ACCORDING TO THE MAP OF SURVEY OF CALHOUN COMMUNITY COLLEGE PLACE AS RECORDED IN DOCUMENT NUMBER 20140507000237870 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY MARGIN OF WYNN DRIVE AND BEING THE TRUE POINT OF BEGINNING,

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STATE OF ALABAMA

COUNTY OF MADISON

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

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Alabama State Board of Education (Calhoun Community College), desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the Alabama State Board of Education, is the owner 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 is necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below until its expiration on April 30, 2015.

NOW, THEREFORE, the undersigned, as the owner of all property abutting the said right-of-way hereinafter described, does hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-of-way 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, until its expiration on April 30, 2015.

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 11<sup>th</sup> day of December, 2014.

ALABAMA STATE BOARD OF  
EDUCATION

By: \_\_\_\_\_  
Its: \_\_\_\_\_

*Ellen B. Beal*

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Ella B. Bell, as Vice President of the Alabama State Board of Education, whose name is signed to the foregoing instrument for the Alabama State Board of Education, as such officer and with full authority, and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 11<sup>th</sup> day of December, 2014.

Donna Hibley  
Notary Public  
My Commission Expires:  
11-4-18

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