

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

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That the Alabama State Board of Education (Calhoun Community College), the landowner abutting the property hereinafter described, made application for the vacation of a portion of a certain right-of-way more particularly described as follows (the "Right-of-Way" or the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO

2. That notice of the vacation of the Right-of-Way has been given as required by Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, and a public hearing was held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the Right-of-Way and all public rights and easements therein, convenient and reasonable means of ingress and egress to and from their respective property will be afforded to all property owners owning property in or near the Right-of-Way by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the Right-of-Way and that the vacation of the Right-of-Way is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of the Right-of-Way as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in the Right-of-Way. Title and all public rights shall vest in the abutting landowner, the Alabama State Board of Education (Calhoun Community College).

6. Additionally, that in the judgment and opinion of the City Council of the City of Huntsville, there are certain parcels of land, as more particularly described hereinafter, which are owned by the City and are needed and necessary as utility and drainage easements. That the City of Huntsville desires to set aside these parcels of land and dedicate such land for the purposes set forth herein.

7. That the City Council for the City of Huntsville is of the opinion that the dedication of said easements is in the best interests of the citizens of the City of Huntsville and will contribute to the health and general welfare of the citizens of Huntsville.

8. That the City of Huntsville does hereby dedicate and set aside to the City of Huntsville two (2) exclusive permanent utility and drainage easements in and to the following described property:

SEE EXHIBIT "B" ATTACHED HERETO

9. Further, that in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire a temporary utility and drainage easement upon, over and across the following described property which will expire on April 30, 2015:

SEE EXHIBIT "C" ATTACHED HERETO

10. That the obtainment of the foregoing temporary easement is necessary to allow the City to relocate certain utilities in the area.

11. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to execute such other and further documents necessary to vacate the property described in Exhibit "A," which may be recorded in the land records of Madison County, Alabama.

12. That any prior acts taken by the City's administration related to this project are hereby ratified and affirmed.

13. That, upon adoption of this Ordinance, Resolution No. 15-22 and Ordinance No. 15-23 are hereby rescinded by the City Council of the City of Huntsville and are hereby replaced with this Ordinance.

14. That notice of this Ordinance shall be published in *The Huntsville Times* no later than fourteen (14) days from the date hereof.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville that they do hereby assent to and approve the vacation of the herein described Right-of-Way described in Exhibit "A," and that the City Council does hereby further assent to and approve the dedication of the property described in Exhibit "B," and that the City Council does hereby further assent to and approve the acquisition of a temporary easement over the property described in Exhibit "C," and the actions are taken as set forth herein.

ADOPTED this the 12th day of February, 2015.

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

APPROVED this the 12th day of February, 2015.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

## RIGHT-OF-WAY

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;

THENCE SOUTH 08 DEGREES 56 MINUTES 35 SECONDS EAST A DISTANCE OF 141.63 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 13 MINUTES 50 SECONDS EAST A DISTANCE OF 195.31 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 537.49 FEET, (CHORD BEARING SOUTH 30 DEGREES 44 MINUTES 55 SECONDS WEST, CHORD DISTANCE 15.56 FEET) AN ARC DISTANCE OF 15.56 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 13 MINUTES 50 SECONDS EAST A DISTANCE OF 15.11 FEET TO A POINT ON THE SOUTHEASTERLY MARGIN OF A UTILITY AND DRAINAGE EASEMENT;

THENCE ALONG THE SOUTHEASTERLY MARGIN OF SAID EASEMENT ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 547.49 FEET, (CHORD BEARING SOUTH 38 DEGREES 18 MINUTES 39 SECONDS WEST, CHORD DISTANCE 105.46 FEET) AN ARC DISTANCE OF 105.63 FEET TO A POINT;

THENCE SOUTH 43 DEGREES 50 MINUTES 17 SECONDS WEST A DISTANCE OF 717.60 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 475.69 FEET, (CHORD BEARING SOUTH 22 DEGREES 50 MINUTES 18 SECONDS WEST, CHORD DISTANCE 340.93 FEET) AN ARC DISTANCE OF 348.69 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 50 MINUTES 17 SECONDS WEST A DISTANCE OF 21.09 FEET TO A POINT ON THE NORTHERLY MARGIN OF A 35-FOOT WIDE UTILITY AND DRAINAGE EASEMENT;

THENCE SOUTH 72 DEGREES 23 MINUTES 32 SECONDS WEST ALONG SAID MARGIN A DISTANCE OF 10.60 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 50 MINUTES 17 SECONDS WEST A DISTANCE OF 79.54 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 4.28 ACRES MORE OR LESS.

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

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;

THENCE NORTH 01 DEGREES 50 MINUTES 17 SECONDS EAST A DISTANCE OF 79.54 FEET TO A POINT;

THENCE NORTH 72 DEGREES 23 MINUTES 32 SECONDS EAST A DISTANCE OF 127.26 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 50 MINUTES 17 SECONDS WEST A DISTANCE OF 79.54 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 0.22 ACRES MORE OR LESS.

**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,

THENCE FROM THE TRUE POINT OF BEGINNING ALONG SAID EASTERLY MARGIN ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 569.33 FEET, (CHORD BEARING SOUTH 30 DEGREES 45 MINUTES 44 SECONDS WEST, CHORD DISTANCE 15.56 FEET) AN ARC DISTANCE OF 15.56 FEET TO A POINT;

THENCE NORTH 09 DEGREES 06 MINUTES 48 SECONDS WEST A DISTANCE OF 349.34 FEET TO A POINT;

THENCE NORTH 78 DEGREES 44 MINUTES 47 SECONDS EAST A DISTANCE OF 10.01 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 06 MINUTES 33 SECONDS EAST A DISTANCE OF 337.77 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 0.08 ACRES MORE OR LESS.

**TEMPORARY PUBLIC UTILITY AND DRAINAGE EASEMENT**

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;

THENCE SOUTH 08 DEGREES 56 MINUTES 35 SECONDS EAST A DISTANCE OF 141.63 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 13 MINUTES 50 SECONDS EAST A DISTANCE OF 195.31 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 537.49 FEET, (CHORD BEARING SOUTH 30 DEGREES 44 MINUTES 55 SECONDS WEST, CHORD DISTANCE 15.56 FEET) AN ARC DISTANCE OF 15.56 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 13 MINUTES 50 SECONDS EAST A DISTANCE OF 15.11 FEET TO A POINT ON THE SOUTHEASTERLY MARGIN OF A UTILITY AND DRAINAGE EASEMENT;

THENCE ALONG THE SOUTHEASTERLY MARGIN OF SAID EASEMENT ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 547.49 FEET, (CHORD BEARING SOUTH 38 DEGREES 18 MINUTES 39 SECONDS WEST, CHORD DISTANCE 105.46 FEET) AN ARC DISTANCE OF 105.63 FEET TO A POINT;

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THENCE SOUTH 72 DEGREES 23 MINUTES 32 SECONDS WEST ALONG SAID MARGIN A DISTANCE OF 10.60 FEET TO A POINT;

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