

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

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

WHEREAS, JAMES. R. HAYS AND JOHN W. HAYS, hereinafter collectively referred to as Owner of all the land, abutting on a portion of a right of way to be vacated (the "Right of Way"), lying within the City of Huntsville, Alabama, which said Right of Way is described as follows, to-wit:

ALL THAT PART OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE CENTER OF THE EAST BOUNDARY OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST; THENCE NORTH 00 DEGREES 44 MINUTES EAST 57.50 FEET; THENCE NORTH 89 DEGREES 29 MINUTES WEST 260.00 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 13 SECONDS WEST 239.96 FEET; THENCE NORTH 01 DEGREES 35 MINUTES 44 SECONDS EAST 108.45 FEET TO THE POINT OF BEGINNING, SAID BEGINNING POINT BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET;

THENCE FROM THE POINT OF BEGINNING, ALONG THE ARC OF SAID CURVE A DISTANCE OF 65.89 FEET, (CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES 26 MINUTES 44 SECONDS WEST, 63.11 FEET), TO A POINT;

THENCE NORTH 56 DEGREES 29 MINUTES 11 SECONDS WEST A DISTANCE OF 21.46 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 24 MINUTES 03 SECONDS EAST A DISTANCE OF 48.85 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 35 MINUTES 44 SECONDS WEST A DISTANCE OF 66.51 FEET TO A POINT TO THE POINT OF BEGINNING AND CONTAINING 948 SQUARE FEET.

WHEREAS, the above said Owner has executed a Declaration of his interest and desires that the Right of Way described above 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 Right of Way acquired by use by the public of said Right of Way and/or acquired by conveyance (excluding a retained easement for existing utilities); and

WHEREAS, the Owner has requested that the City of Huntsville grant its assent to the vacation of the Right of Way pursuant to § 23-4-20 of the *Alabama Code*; and

WHEREAS, the Owner has represented to the City Council of the City of Huntsville, Alabama, and the City Council, based upon such representations and consultations with the Planning Department for the City of Huntsville, does find:

(1) That the retention of said Right of Way will not benefit the City of Huntsville, Alabama, and the vacation of said Right of Way will not detrimentally affect the interest of the City of Huntsville and is in the interest of the public;

(2) That the City of Huntsville has other sufficient right of ways over other properties and adequate right of ways will be available to the City of Huntsville and the public in place of the above described Right of Way;

(3) That all persons, firms or corporations owning or claiming any interest in the property abutting said Right of Way have consented to such vacation; and

(4) That said Right of Way is not needed for any purpose or to serve any other property owners of the City of Huntsville.

WHEREAS, it is the opinion and judgment of the Huntsville City Council that said Right of Way be abandoned by the City of Huntsville, Alabama, and all of the interest of the City of Huntsville in said Right of Way, subject to a retained easement for utilities, be conveyed by quit claim deed to the abutting owner(s) of said Right of Way.

NOW, THEREFORE, BE IT RESOLVED that the City of Huntsville, Alabama, as follows: (a) The above described Right of Way is no longer necessary for any public or municipal purposes and that the vacation of the Right of Way as described above be and the same is hereby assented to, authorized and ratified by the Huntsville City Council; and (b) That Tommy Battle, as Mayor of the City of Huntsville, is hereby authorized to execute and deliver a quitclaim deed, divesting the entire right, title, and interest (subject to a retained utility easement) of the City of Huntsville, Alabama, in and to said Right of Way to JAMES R. HAYS and JOHN W. HAYS for that certain property described herein.

ADOPTED this the 12 day of March, 2015.

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President of the City Council of the City of Huntsville

APPROVED this the 12 day of March, 2015.

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Mayor of the City of Huntsville, Alabama

STATE OF ALABAMA  
MADISON COUNTY

FEBRUARY 6, 2015

VACATION OF A PORTION OF RIGHT OF WAY FOR MAHOGANY ROW

ALL THAT PART OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE CENTER OF THE EAST BOUNDARY OF SECTION 32, TOWNSHIP 4 SOUTH, RANGE 1 EAST; THENCE NORTH 00 DEGREES 44 MINUTES EAST 57.50 FEET; THENCE NORTH 89 DEGREES 29 MINUTES WEST 260.00 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 13 SECONDS WEST 239.96 FEET; THENCE NORTH 01 DEGREES 35 MINUTES 44 SECONDS EAST 108.45 FEET TO THE POINT OF BEGINNING, SAID BEGINNING POINT BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET;

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STATE OF ALABAMA    )

COUNTY OF MADISON   )

**DECLARATION OF VACATION OF RIGHT OF WAY/RIGHT OF WAY**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, JAMES R. HAYS and JOHN W. HAYS, desire for the City of Huntsville, in the state of Alabama, to vacate a portion of a right of way, hereinafter described, pursuant to Ala. Code 1975, Section 23-4-20, and say as follows:

1.       That the said James R. Hays and John R. Hays are the owners of all the land abutting the hereinafter described right of way (the "Right of Way"); and

2.       That the retention of said Right of Way will not benefit the City of Huntsville, Alabama, and the vacation of said Right of Way will not detrimentally affect the interest of the City of Huntsville; and

3.       That the said Right of Way hereinafter described is situated within the corporate limits of the City of Huntsville and was, upon information and belief, deemed to have been previously conveyed to the City of Huntsville; and

4.       That the City of Huntsville has adequate right of ways available to the City of Huntsville in place of the hereinafter described Right of Way; and

5.       That said Right of Way is not needed for any purpose or to serve any other property owners of the City of Huntsville; and

6.       That all persons, firms or corporations owning or claiming any interest in the property abutting said Right of Way have consented to such vacation; and

NOW THEREFORE, the undersigned, JAMES R. HAYS and JOHN W. HAYS, as the owners of all property abutting the said Right of Way hereinafter described, do hereby petition and urge that the Huntsville City Council adopt a resolution hereby declaring said portion of the Right of Way vacated and assenting to the vacation of the following described Right of Way, being described as follows:

**SEE ATTACHED EXHIBIT "A"**

[SIGNATURES ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the undersigned owners of all property abutting said Right of Way hereinabove described has caused this instrument to be executed on this 6<sup>th</sup> day of March, 2015.

By: [Signature]  
JAMES R. HAYS

By: [Signature]  
JOHN W. HAYS

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that James R. Hays and John W. Hays, whose names are signed to the foregoing declaration and who are known to me, acknowledged before me on this day that, being informed of the contents of the declaration, they executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this the 6<sup>th</sup> day of March, 2015.

[Signature]  
Notary Public

My commission expires: 2-19-19



This instrument prepared by: Samuel H. Givhan, Wilmer & Lee, P.A., 100 Washington Street, Huntsville, Alabama 35801

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STATE OF ALABAMA  
MADISON COUNTY

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