

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

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

WHEREAS, Charles V. Propst, 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 his intent and desire, attached hereto, that right-of-way above described right-of-way 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 Owner is the owner of the abutting properties.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned.

ADOPTED, this the 8th day of October, 2015.

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

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

\_\_\_\_\_  
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 Charles V. Propst, desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owner is the owner of a portion of the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owner 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.

NOW, THEREFORE, the undersigned, as the owner of a portion of the 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:

***LEGAL DESCRIPTION ATTACHED HERETO AS 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 owner of a portion of property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 24 day of September, 2015.



Name: Charles V. Propst

STATE OF ALABAMA )  
 )  
COUNTY OF MADISON )

I, the undersigned Notary Public in and for said County in said State, hereby certify that Charles V. Propst, 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 of office, this the 24 day of September, 2015.

Henrietta Mason  
Notary Public  
My Commission Expires: 10/07/2015



EXHIBIT "A"

STATE OF ALABAMA  
COUNTY OF MADISON

Alley Vacation  
Block 98 East Huntsville Addition

ALL THAT PART OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 12 OF BLOCK 98 EAST HUNTSVILLE ADDITION, A PLAT OF WHICH IS RECORDED IN PLAT BOOK 1 AT PAGE 35 IN THE PROBATE OFFICE OF MADISON COUNTY, ALABAMA; THENCE RUN NORTH 88 DEGREES 34 MINUTES 07 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF WELLMAN AVENUE FOR A DISTANCE OF 20.90 FEET TO THE SOUTHEAST CORNER OF LOT 13 OF SAID BLOCK 98 EAST HUNTSVILLE ADDITION;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY MARGIN OF WELLMAN AVENUE RUN NORTH 01 DEGREES 26 MINUTES 02 SECONDS EAST ALONG THE EAST BOUNDARY LINE OF SAID LOT 13 FOR A DISTANCE OF 46.50 FEET TO A POINT;

THENCE RUN NORTH 01 DEGREES 12 MINUTES 14 SECONDS EAST ALONG SAID EAST BOUNDARY LINE OF LOT 13 FOR A DISTANCE OF 47.36 FEET TO A POINT;

THENCE RUN SOUTH 89 DEGREES 58 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 21.67 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID LOT 12;

THENCE RUN SOUTH 01 DEGREES 46 MINUTES 43 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF SAID LOT 12 FOR A DISTANCE OF 94.40 FEET TO THE POINT OF BEGINNING, CONTAINING FIVE HUNDREDRETHS (0.05) ACRE, MORE OR LESS.

By: Trice, PC  
Date: 08/06/15