

ORDINANCE NO. 15-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Heritage Plantation, LLC**, is the owner of the property across which said easement lies; that said easement, or portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA
COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by HERITAGE PLANTATION, LLC, hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the same unto the said Grantee, and to its successors and assigns, forever.

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Resolution No: _____, as of this the 5th day of November, 2015.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST:

Charles Hagood, City Clerk-Treasurer

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Charles Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, a municipal corporation.

Given under my hand and official seal this 5th day of November, 2015.

NOTARY PUBLIC
My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:
Samuel H. Givhan, Esq.
Wilmer & Lee, PA
100 Washington Street
Huntsville, Alabama 35801

EXHIBIT "A"

STATE OF ALABAMA
COUNTY OF MADISON

ALL THAT PART OF TRACT B OF MIDTOWNE ON THE PARK PHASE 4, AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN DOCUMENT NUMBER 2014120100063457, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA, THENCE NORTH 88 DEGREES 49 MINUTES 38 SECONDS WEST, 521.04 FEET TO A POINT; THENCE NORTH 88 DEGREES 29 MINUTES 07 SECONDS WEST, 495.32 FEET TO A POINT; THENCE SOUTH 01 DEGREES 30 MINUTES 53 SECONDS WEST, 679.67 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING SOUTH 36 DEGREES 45 MINUTES 56 SECONDS WEST, 144.93 FEET TO A POINT;
THENCE NORTH 89 DEGREES 03 MINUTES 56 SECONDS WEST, 18.50 FEET TO A POINT;
THENCE NORTH 36 DEGREES 45 MINUTES 56 SECONDS EAST, 144.93 FEET TO A POINT;
THENCE SOUTH 89 DEGREES 03 MINUTES 56 SECONDS EAST, 18.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 2174 SQUARE FEET, MORE OR LESS.

AND ALSO INCLUDING ALL THAT PART OF TRACT B OF MIDTOWNE ON THE PARK PHASE 4, AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN DOCUMENT NUMBER 2014120100063457, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA, THENCE NORTH 88 DEGREES 49 MINUTES 38 SECONDS WEST, 521.04 FEET TO A POINT; THENCE NORTH 88 DEGREES 29 MINUTES 07 SECONDS WEST, 925.23 FEET TO A POINT; THENCE NORTH 88 DEGREES 35 MINUTES 22 SECONDS WEST, 50.01 FEET TO A POINT; THENCE SOUTH 89 DEGREES 29 MINUTES 09 SECONDS WEST, 1017.31 FEET TO A POINT; THENCE SOUTH 02 DEGREES 45 MINUTES 27 SECONDS WEST, 172.04 FEET TO A POINT; THENCE SOUTH 16 DEGREES 04 MINUTES 36 SECONDS EAST, 47.32 FEET TO A POINT; THENCE SOUTH 34 DEGREES 54 MINUTES 38 SECONDS EAST, 939.98 FEET TO A POINT; THENCE NORTH 68 DEGREES 26 MINUTES 39 SECONDS EAST, 199.12 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING CONTINUE NORTH 68 DEGREES 26 MINUTES 39 SECONDS EAST, 136.94 FEET TO A POINT;
THENCE SOUTH 22 DEGREES 03 MINUTES 54 SECONDS EAST, 31.58 FEET TO A POINT OF CURVATURE;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 285.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 23 DEGREES 16 MINUTES 10 SECONDS EAST, 11.98 FEET TO A POINT;
THENCE SOUTH 63 DEGREES 50 MINUTES 34 SECONDS WEST, 129.46 FEET TO A POINT;
THENCE NORTH 30 DEGREES 44 MINUTES 56 SECONDS WEST, 53.53 FEET TO A POINT;
THENCE NORTH 20 DEGREES 47 MINUTES 18 SECONDS WEST, 1.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 8682 SQUARE FEET, MORE OR LESS.

Ordinance No. 15-_____ (Cont.)
Heritage Plantation, LLC

ADOPTED this the 5th day of November, 2015.

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

APPROVED this the 5th day of November, 2015.

Mayor of the City of
Huntsville, Alabama