

RESOLUTION NO. 16-_____

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

WHEREAS, Jeff E. McCracken, and Sam Bagley and wife, Regina Bagley, are the Owners of the lands 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 Owners have executed petitions of their intent and desire, attached hereto as Exhibit "B," 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 Owners have 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 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-way.

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 26th day of May, 2016.

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

APPROVED, this the 26th day of May, 2016.

Mayor of the City of Huntsville,
Alabama

EXHIBIT "A"

All that part of Section 28, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and being a part of North Street as shown on the record plat of Pierre Addition to the Town of Viduta as recorded in Plat Book 1, Page 22 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as beginning at the Southeast corner of Lot 13 of said Pierre Addition on the north right of way margin of Nolen Avenue; Thence from the Point of Beginning North 01 degrees 04 minutes 39 seconds East 349.75 feet to a ½ inch rebar found at the Northeast corner of Lot 19; Thence South 88 degrees 15 minutes 09 seconds East 52.10 feet to a 1 inch iron pipe found at the Northwest corner of Lot 8; Thence South 01 degree 04 minutes 39 seconds West 344.11 feet to the north right of way margin of said Nolen Avenue; Thence along said margin, South 85 degrees 10 minutes 52 seconds West 21.53 feet to the point of curve; Thence around a curve to the right, having a radius of 1325.72 feet, a chord bearing and distance of South 85 degrees 50 minutes 43 seconds West 30.81 feet to the Point of Beginning and containing 0.415 acre, more or less.

EXHIBIT "B"

STATE OF ALABAMA)
)
COUNTY OF MADISON)

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Jeff E. McCracken, 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 17 day of May, 2016.



Name: Jeff E. McCracken

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Jeff E. McCracken, 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 17th day of May, 2016.

Bessy Kaufman
Notary Public
My Commission Expires:
2/5/2020

EXHIBIT "A"

All that part of Section 28, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and being a part of North Street as shown on the record plat of Pierre Addition to the Town of Viduta as recorded in Plat Book 1, Page 22 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as beginning at the Southeast corner of Lot 13 of said Pierre Addition on the north right of way margin of Nolen Avenue; Thence from the Point of Beginning North 01 degrees 04 minutes 39 seconds East 349.75 feet to a ½ inch rebar found at the Northeast corner of Lot 19; Thence South 88 degrees 15 minutes 09 seconds East 52.10 feet to a 1 inch iron pipe found at the Northwest corner of Lot 8; Thence South 01 degree 04 minutes 39 seconds West 344.11 feet to the north right of way margin of said Nolen Avenue; Thence along said margin, South 85 degrees 10 minutes 52 seconds West 21.53 feet to the point of curve; Thence around a curve to the right, having a radius of 1325.72 feet, a chord bearing and distance of South 85 degrees 50 minutes 43 seconds West 30.81 feet to the Point of Beginning and containing 0.415 acre, more or less.

EXHIBIT "B"

STATE OF ALABAMA)
)
COUNTY OF MADISON)

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Samuel A. Bagley and Regina A. Bagley, desiring to vacate that certain right-of-way hereinafter described, say as follows:

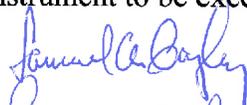
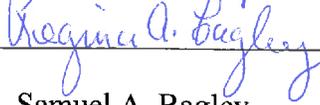
1. That the said Owners are the owners of a portion of the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property; and
3. WHEREAS, the said right-of-way, hereinafter described, 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.

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 owners of a portion of property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 17th day of May, 2016.

Names: Samuel A. Bagley
Regina A. Bagley

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Samuel A. Bagley and Regina A Bagley, whose names are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same on the day the same bears date.

Given under my hand and official seal of office, this the 17th day of May, 2016.

Sullivan Howard
Notary Public
My Commission Expires: 7/22/2017

EXHIBIT "A"

All that part of Section 28, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and being a part of North Street as shown on the record plat of Pierre Addition to the Town of Viduta as recorded in Plat Book 1, Page 22 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as beginning at the Southeast corner of Lot 13 of said Pierre Addition on the north right of way margin of Nolen Avenue; Thence from the Point of Beginning North 01 degrees 04 minutes 39 seconds East 349.75 feet to a ½ inch rebar found at the Northeast corner of Lot 19; Thence South 88 degrees 15 minutes 09 seconds East 52.10 feet to a 1 inch iron pipe found at the Northwest corner of Lot 8; Thence South 01 degree 04 minutes 39 seconds West 344.11 feet to the north right of way margin of said Nolen Avenue; Thence along said margin, South 85 degrees 10 minutes 52 seconds West 21.53 feet to the point of curve; Thence around a curve to the right, having a radius of 1325.72 feet, a chord bearing and distance of South 85 degrees 50 minutes 43 seconds West 30.81 feet to the Point of Beginning and containing 0.415 acre, more or less.