

ORDINANCE NO. 16-_____

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 utility and drainage easements; that the applicants have represented to the City of Huntsville that **Mill Road 431-9.73, LLC, and JOHASCA, LLP,** are the owners of the property across which said easements lie; that said easements, or portions being vacated, are not presently used and are 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 easements 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 MILL ROAD 431-9.73, LLC, an Alabama limited liability company, and JOHASCA, LLP, a Texas limited liability partnership, as Tenants in Common, hereinafter referred to as the Grantees, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto said Grantees 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 22nd day of September, 2016.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST:

Kenneth Benion, 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 Kenneth Benion, 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 22nd day of September, 2016.

NOTARY PUBLIC
My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:
Katherine E. Amos
Wilmer & Lee, PA
100 Washington Street
Huntsville, Alabama 35801
(256) 533-0202

Exhibit "A"

TRACT 1:

VACATE 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT
LOCATED IN LOT A AND B OF MILL RUN PHASE 3

ALL THAT PART OF LOTS A AND B OF MILL RUN PHASE 3, AS
RECORDED IN DOCUMENT NUMBER 20150923000528400, MORE
PARTICULARLY DESCRIBED AS BEGINNING AT A POINT LOCATED NORTH
86 DEGREES 52 MINUTES 43 SECONDS WEST, 10.00 FEET FROM THE
SOUTHEAST CORNER OF SAID LOT A;

THENCE FROM THE POINT OF BEGINNING ALONG THE CENTERLINE
OF SAID 10 FOOT WIDE EASEMENT NORTH 86 DEGREES 52 MINUTES 43
SECONDS WEST, A DISTANCE OF 244.97 FEET TO A POINT;

THENCE NORTH 40 DEGREES 47 MINUTES 26 SECONDS WEST, A
DISTANCE OF 346.07 FEET TO THE POINT OF ENDING AND CONTAINING 0.14
ACRES MORE OR LESS.

TRACT 2:

VACATE 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT
LOCATED IN LOTS B AND C OF MILL RUN PHASE 3

ALL THAT PART OF LOTS B AND C OF MILL RUN PHASE 3, AS
RECORDED IN DOCUMENT NUMBER 20150923000528400, MORE
PARTICULARLY DESCRIBED AS BEGINNING AT A POINT LOCATED NORTH
00 DEGREES 09 MINUTES 38 SECONDS EAST, 20.00 FEET FROM THE
SOUTHEAST CORNER OF SAID LOT C;

THENCE FROM THE POINT OF BEGINNING ALONG THE CENTERLINE
OF SAID 10 FOOT WIDE EASEMENT, NORTH 00 DEGREES 09 MINUTES 38
SECONDS EAST, A DISTANCE OF 282.66 FEET TO THE POINT OF ENDING AND
CONTAINING 0.06 ACRES MORE OR LESS.

TRACT 3:

VACATE 15 FOOT WIDE UTILITY AND DRAINAGE EASEMENT

ALL THAT PART OF MILL RUN PHASE 3 AS RECORDED IN DOCUMENT
NUMBER 20150923000528400, MORE PARTICULARLY DESCRIBED AS
BEGINNING AT A POINT LOCATED NORTH 08 DEGREES 21 MINUTES 27
SECONDS EAST, 113.53 FEET FROM THE SOUTHEAST CORNER OF LOT (A) OF

SAID MILL RUN PHASE 3; SAID POINT IS FURTHER DESCRIBED AS BEING ON THE RIGHT-OF-WAY OF MILL RUN ROAD;

THENCE FROM THE POINT OF BEGINNING LEAVING SAID RIGHT-OF-WAY SOUTH 73 DEGREES 13 MINUTES 20 SECONDS WEST, A DISTANCE OF 245.75 FEET TO A POINT;

THENCE SOUTH 56 DEGREES 08 MINUTES 11 SECONDS WEST, A DISTANCE OF 265.09 FEET TO A POINT;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 332.82 FEET TO A POINT;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 328.25 FEET TO A POINT;

THENCE NORTH 56 DEGREES 08 MINUTES 11 SECONDS EAST, A DISTANCE OF 262.77 FEET TO A POINT;

THENCE NORTH 73 DEGREES 13 MINUTES 20 SECONDS EAST, A DISTANCE OF 256.97 FEET TO A POINT ON THE RIGHT-OF-WAY OF MILL RUN ROAD; SAID POINT BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 655.63 FEET;

THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 17.48 FEET (CHORD BEARING AND DISTANCE OF SOUTH 14 DEGREES 05 MINUTES 18 SECONDS WEST, 17.48 FEET) TO THE POINT OF BEGINNING AND CONTAINING 0.29 ACRES MORE OR LESS.

Ordinance No. 16-_____ (Cont.)
Mill Road

ADOPTED this the 22nd day of September, 2016.

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

APPROVED this the 22nd day of September, 2016.

Mayor of the City of
Huntsville, Alabama