

ORDINANCE NO. 13-_____

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 right-of-way; that the applicant has represented to the City of Huntsville that the Twickenham Square Venture, LLC, is the owner of the property across which said right-of-way lies; that said right-of-way 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 right-of-way hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
COUNTY OF MADISON)

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama, hereinafter referred to as grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by TWICKENHAM SQUARE VENTURE, LLC, a Delaware limited liability company, hereinafter referred to as 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:

Right-of-Way - Tract 1.

ALL THAT PART OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING FURTHER DESCRIBED AS THE NORTHEAST CORNER OF LOT 5 OF TWICKENHAM SQUARE SUBDIVISION AS RECORDED IN DOCUMENT # 20120427000257150 IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA, SAID PLAT BEING AMENDED BY THAT CERTAIN SURVEYOR'S AFFIDAVIT, DATED JUNE 13, 2012, AND RECORDED JUNE 13, 2012, IN DOCUMENT NO. 20120613000366350, PROBATE RECORDS OF MADISON COUNTY, ALABAMA, THIS POINT IS FURTHER DESCRIBED AS BEING LOCATED ON THE SOUTH RIGHT-OF-WAY MARGIN OF PELHAM AVENUE AND HAVING ALABAMA STATE PLANE EAST ZONE COORDINATES OF N: 1537273.95, E: 430590.85; THENCE FROM THE POINT OF BEGINNING SOUTH 80 DEGREES 8 MINUTES 46 SECONDS WEST FOR 317.69 FEET; THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 39 DEGREES 32 MINUTES 29 SECONDS WEST FOR 32.54 FEET TO A POINT; THENCE NORTH 1 DEGREE 3 MINUTES 53 SECONDS WEST FOR 30.54 FEET TO A POINT; THENCE NORTH 80 DEGREES 8 MINUTES 46 SECONDS EAST FOR 337.73 FEET TO A POINT; THENCE SOUTH 9 DEGREES 51 MINUTES 0 SECONDS EAST FOR 9.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.07 (3138.67 SQ. FT.) ACRES MORE OR LESS.

Right-of-Way - Tract 2.

ALL THAT PART OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING FURTHER DESCRIBED AS THE NORTHEAST CORNER OF LOT 5 OF TWICKENHAM SQUARE SUBDIVISION AS RECORDED IN DOCUMENT # 20120427000257150 IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA, SAID PLAT BEING AMENDED BY THAT CERTAIN SURVEYOR'S AFFIDAVIT, DATED JUNE 13, 2012, AND RECORDED JUNE 13, 2012, IN DOCUMENT NO. 20120613000366350, PROBATE RECORDS OF MADISON COUNTY, ALABAMA, THIS POINT IS FURTHER DESCRIBED AS BEING LOCATED ON THE SOUTH RIGHT-OF-WAY MARGIN OF PELHAM AVENUE AND HAVING ALABAMA STATE PLANE EAST ZONE COORDINATES OF N: 1537273.95, E: 430590.85; THENCE FROM THE POINT OF BEGINNING NORTH 9 DEGREES 51 MINUTES 0 SECONDS WEST FOR 9.00 FEET TO A POINT; THENCE NORTH 80 DEGREES 8 MINUTES 46 SECONDS EAST FOR 63.41 TO A POINT; THENCE SOUTH 9 DEGREES 51 MINUTES 0 SECONDS EAST FOR 9.00 FEET TO A POINT; THENCE SOUTH 80 DEGREES 8 MINUTES 46 SECONDS WEST FOR 63.41 FEET TO THE OF BEGINNING AND CONTAINING 0.01 (570.65 SQ. FT.) ACRES MORE OR LESS.

SUBJECT TO RESTRICTIONS OF RECORD.

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

IN WITNESS WHEREOF, the said grantor has caused this instrument to be executed by its duly authorized officer this the 11th day of April, 2013.

THE CITY OF HUNTSVILLE,
a municipal corporation within the
State of Alabama

By: _____ (SEAL)
Tommy Battle
Its: Mayor

ATTEST:

By: _____
Charles E. Hagood
Its: City Clerk Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk Treasurer of the City of Huntsville, a municipal corporation within the State of Alabama are signed to the foregoing instrument, and who are known me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same voluntarily for and as the act of said municipal corporation.

GIVEN under my hand and official seal this the 11th day of April, 2013.

(SEAL)

Notary Public
My Commission Expires: _____

This instrument prepared by: W. Graham Burgess, Lanier Ford Shaver & Payne P.C.
2101 West Clinton Avenue, Ste. 102, Huntsville, Alabama 35805, Telephone: (256) 535-1100

Ordinance No. 13-_____ (Cont.)
Twickenham Square Venture, LLC

ADOPTED this the 11th day of April, 2013.

President of the City Council
of Huntsville, Alabama

APPROVED this the 11th day of April, 2013.

Mayor of the City of
Huntsville, Alabama