

**RESOLUTION NO. 20-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That Hylis, Inc., is the sole landowner abutting the property hereinafter described, submitted an application for the vacation of a portion of an Right-of-Way in Lots 3 and 4 of Haysland Estates 4<sup>th</sup> Addition, being and lying in Madison County, and being more particularly described as follows (the “Right-of-Way” or the “Property”):

**SEE EXHIBIT “A-PETITION FOR VACANCY OF ALLEY” and  
EXHIBIT “B-DECLARATION OF VACATION”**

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-Way at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, June 11, 2020; and

3. That notice of the vacation of the Right-of-Way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-Way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the Clerk-Treasurer is hereby ordered to have pubic hearing notice contained in Exhibit “C” attached hereto (“Public Notice”), immediately published in *The Huntsville Times* for four consecutive weeks, with said notice to run beginning on May 17, May 24, May 31, and June 7, 2020.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 14th day of May, 2020.

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President of the City Council  
City of Huntsville, Alabama

APPROVED this the 14th day of May, 2020.

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TOMMY BATTLE  
Mayor of the City of Huntsville, Alabama

This Instrument prepared by:  
Mitzi Robinson  
Hylis, Inc.  
10002 Memorial Pkwy SW  
Huntsville, AL 35803

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

**PETITION FOR VACATION OF RIGHT OF WAY**

KNOW ALL PERSONS BY THESE PRESENTS:

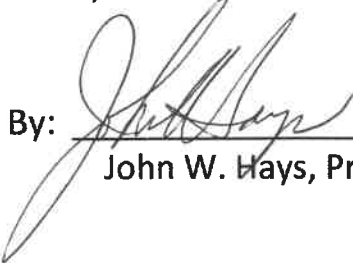
That the undersigned, HYLIS, INC, by John W. Hays, its President, being the owner of all the lands abutting the portion or public way described on Exhibit A attached hereto and incorporated herein by reference (the "ROW"), pursuant to Section 23-4-20 of the Alabama Code of 1975, does hereby petition the City Council of the City of Huntsville, Alabama, to declare the ROW vacated and divested out of the public.

The said owner does further represent and warranty that, after the vacation of the ROW, convenient means of ingress and egress to and from its properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

Accordingly, the undersigned owner respectfully petitions and requests that the City Council of the City of Huntsville, Alabama, give such notices, set and conduct such public hearings, adopt such resolutions and ordinances, and take such other actions, all as are necessary to vacate the ROW as required by applicable law.

IN WITNESS WHEREOF, we have set hereunto our hands and seals this the 12<sup>th</sup> day of May, 2020.

HYLIS, Inc. an Alabama corporation

By: 

John W. Hays, President

*Notary Provision on Following Page*

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned Notary Public in and for said County and State hereby certify that John W. Hays, whose name as President of Hylis, Inc., is signed to the foregoing petition and who is known to me, acknowledged before me on this day that, being informed of the contents of the petition, he, as such an officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this the 12<sup>th</sup> day of May, 2020.

Notary Public: Mitzi Robinson  
My Commission Expires: 7-23-2023

# EXHIBIT A

## To Petition for Vacation of ROW

STATE OF ALABAMA     )  
MADISON COUNTY     )

A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A CAPPED REBAR AT THE SOUTHEAST CORNER OF LOT 4 OF HAYSLAND ESTATES FOURTH ADDITION AS RECORDED IN PLAT BOOK 5, PAGE 29 IN THE PROBATE OFFICE OF MADISON COUNTY ALABAMA. THEN NORTH 87 DEGREES 49 MINUTES 18 SECONDS WEST, 237.17 FEET TO A POINT. THEN SOUTH 01 DEGREE 31 MINUTES 35 SECONDS WEST, 908.11 FEET TO A POINT ON THE NORTHERN MARGIN OF A 150.00 FEET WIDE CITY OF HUNTSVILLE RIGHT OF WAY AS DESCRIBED IN DEED BOOK 959, PAGE 708 IN THE PROBATE OFFICE OF MADISON COUNTY, ALABAMA, THE POINT OF BEGINNING.

THEN FROM THE POINT OF BEGINNING AND ALONG SAID MARGIN SOUTH 88 DEGREES 27 MINUTES 25 SECONDS EAST A DISTANCE OF 792.95 FEET TO A POINT ON THE WESTERN MARGIN OF THE RIGHT OF WAY OF MEMORIAL PARKWAY;

THEN ALONG SAID MARGIN SOUTH 28 DEGREES 07 MINUTES 31 SECONDS WEST A DISTANCE OF 3.90 FEET TO A POINT;

THEN CONTINUE ALONG SAID MARGIN SOUTH 62 DEGREES 20 MINUTES 53 SECONDS WEST A DISTANCE OF 41.98 FEET TO A CONCRETE MONUMENT ON THE NORTHERN MARGIN OF THE RIGHT OF WAY OF WEATHERLY ROAD;

THEN ALONG SAID MARGIN NORTH 86 DEGREES 34 MINUTES 39 SECONDS WEST A DISTANCE OF 44.43 FEET TO A POINT;

THEN CONTINUE ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE LEFT WHICH HAS A RADIUS OF 3238.15 FEET AND A DELTA ANGLE OF 03 DEGREES 40 MINUTES 30 SECONDS, A DISTANCE OF 207.70 FEET (A CHORD BEARING AND DISTANCE OF NORTH 88 DEGREES 36 MINUTES 46 SECONDS WEST, 207.66 FEET) TO A CONCRETE MONUMENT;

THEN CONTINUE ALONG SAID MARGIN SOUTH 89 DEGREES 35 MINUTES 48 SECONDS WEST A DISTANCE OF 95.31 FEET TO A CONCRETE MONUMENT;

THEN CONTINUE ALONG SAID MARGIN NORTH 89 DEGREES 18 MINUTES 40 SECONDS WEST A DISTANCE OF 119.51 FEET TO A CONCRETE MONUMENT;

THEN CONTINUE ALONG SAID MARGIN SOUTH 00 DEGREES 22 MINUTES 32 SECONDS EAST A DISTANCE OF 2.59 FEET TO A CONCRETE MONUMENT;

THEN CONTINUE ALONG SAID MARGIN NORTH 89 DEGREES 58 MINUTES 26 SECONDS WEST A DISTANCE OF 287.91 FEET TO A POINT;

THEN LEAVING SAID MARGIN NORTH 01 DEGREES 31 MINUTES 35 SECONDS EAST A DISTANCE OF 38.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.50 ACRES MORE OR LESS.

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

**DECLARATION OF VACATION OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, HYLIS, INC., an Alabama corporation, desires for the City of Huntsville, in the State of Alabama, to vacate that certain utility and drainage easement hereinafter described, pursuant to Ala. Code 1975, Section 23-4-20, and says as follows:

1. That HYLIS, INC, an Alabama corporation, is the owner of all the land abutting the hereinafter described easement; and

2. That the retention of said easement will not benefit the City of Huntsville, Alabama, and the vacation of said easement will not detrimentally affect the interest of the City of Huntsville or the public; and

3. That the said easement hereinafter described is situated within the corporate limits of the City of Huntsville and was, upon information and belief, previously conveyed to the City of Huntsville; and

4. That convenient and adequate means of providing utility and drainage are available to all owners of surrounding property, such being afforded by alternate utility and drainage easements; and

5. That said easement is not needed for any purpose or to serve any other property owners of the City of Huntsville; and

NOW THEREFORE, the undersigned, HYLIS, INC, an Alabama corporation, as the owner of all property abutting the said easement hereinafter described, does hereby petition and urge that the Huntsville City Council adopt a resolution hereby declaring the easement vacated and assenting to the vacation of the following described easements, being described as follows:

**SEE ATTACHED EXHIBIT "A"**

IN WITNESS WHEREOF, the undersigned owner of all property abutting said easement hereinabove described have caused this instrument to be executed on this first day of April, 2020.

HYLIS, INC, an Alabama corporation

By: \_\_\_\_\_

John W. Hays, President

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that John W. Hays, whose name as President of HYLIS, INC, an Alabama corporation, is signed to the foregoing declaration and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he, as such President and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 1st day of April, 2020.

Jacqueline V. Murgin  
Notary Public  
My commission expires: 6/8/2021

**EXHIBIT A**  
**DESCRIPTION FOR CITY OF HUNTSVILLE RIGHT OF WAY VACATION**

STATE OF ALABAMA     )  
MADISON COUNTY     )

A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A CAPPED REBAR AT THE SOUTHEAST CORNER OF LOT 4 OF HAYSLAND ESTATES FOURTH ADDITION AS RECORDED IN PLAT BOOK 5, PAGE 29 IN THE PROBATE OFFICE OF MADISON COUNTY ALABAMA. THEN NORTH 87 DEGREES 49 MINUTES 18 SECONDS WEST, 237.17 FEET TO A POINT. THEN SOUTH 01 DEGREE 31 MINUTES 35 SECONDS WEST, 908.11 FEET TO A POINT ON THE NORTHERN MARGIN OF A 150.00 FEET WIDE CITY OF HUNTSVILLE RIGHT OF WAY AS DESCRIBED IN DEED BOOK 959, PAGE 708 IN THE PROBATE OFFICE OF MADISON COUNTY, ALABAMA, THE POINT OF BEGINNING.

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**EXHIBIT C**

**(Public Hearing Notice to be Published)**

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, June 11, 2020.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of an Right-of-Way in Lots 3 and 4 of Haysland Estates 4<sup>th</sup> Addition which is more particularly described as follows:

STATE OF ALABAMA  
COUNTY OF MADISON

A PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA MORE PARTICULARLY DESCRIBED AS COMMENCING AT A CAPPED REBAR AT THE SOUTHEAST CORNER OF LOT 4 OF HAYSLAND ESTATES FOURTH ADDITION AS RECORDED IN PLAT BOOK 5, PAGE 29 IN THE PROBATE OFFICE OF MADISON COUNTY ALABAMA. THEN NORTH 87 DEGREES 49 MINUTES 18 SECONDS WEST, 237.17 FEET TO A POINT. THEN SOUTH 01 DEGREE 31 MINUTES 35 SECONDS WEST, 908.11 FEET TO A POINT ON THE NORTHERN MARGIN OF A 150.00 FEET WIDE CITY OF HUNTSVILLE RIGHT OF WAY AS DESCRIBED IN DEED BOOK 959, PAGE 708 IN THE PROBATE OFFICE OF MADISON COUNTY, ALABAMA, THE POINT OF BEGINNING.

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This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities known to have facilities or equipment within the public Right-of-Way of the street to be vacated, as their names and addresses appear on roll in the Madison County Revenue Commissioner's office or Madison County Tax Assessor's office, and shall be posted at the Madison County Courthouse and at Huntsville City Hall.

Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 308 Fountain Circle, 2nd Floor, Huntsville, Alabama 35801 or [thomas.nunez@huntsvilleal.gov](mailto:thomas.nunez@huntsvilleal.gov).