

RESOLUTION NO. 20-_____

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

1. That Oceans 2, LLC, is the sole landowner abutting the property hereinafter described, made application for the vacation of a portion of that certain Alley-Way and Utility and Drainage Easement more particularly described as follows (the "Alley-Way and Utility and Drainage Easement" or the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

2. That notice of the vacation of the Alley-Way and Utility and Drainage Easement has been given as required by Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended, and a public hearing held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the designated portion of Alley-Way and Utility and Drainage Easement and all public rights therein, convenient and reasonable means of ingress and egress to and from the respective property will be afforded to all property owners owning property in or near the Alley-Way and Utility and Drainage Easement by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the designated portion of Alley-Way and Utility and Drainage Easement and that the vacation of the designated portion of Alley-Way and Utility and Drainage Easement is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of that portion of the Alley-Way and Utility and Drainage Easement as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the Alley-Way and Utility and Drainage Easement. Title and all public rights shall vest in the abutting landowner, Oceans 2, LLC.

6. That notice of this resolution shall be published in *The Huntsville Times* no later than fourteen (14) days from the date hereof.

NOW THEREFORE, be it resolved by the City Council of the City of Huntsville that they do hereby assent to the said vacation of the herein described portion of Alley-Way and Utility and Drainage Easement and that the above described Property be and the same is hereby vacated and annulled and all public rights therein divested of the Property, with the City of Huntsville retaining a public utility and drainage easement over, across and under subject property.

ADOPTED this the 11th day of June, 2020.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 11th day of June, 2020.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

STATE OF ALABAMA
COUNTY OF MADISON

ALLEY (10' RIGHT-OF-WAY) AND PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE
VACATED

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 1 WEST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AND FURTHER DESCRIBED AS BEING A PORTION OF A 10' ALLEY LOCATED IN BLOCK 167 OF THE LOWE CORPORATION ADDITION TO THE CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA AS RECORDED IN PLAT BOOK 1, PAGE 166 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON PIN MARKING THE SOUTHWEST CORNER OF LOT 3 AS RECORDED IN DOCUMENT NUMBER 20140331000160690 AS RECORDED IN SAID PROBATE OFFICE; THENCE NORTH 88 DEGREES 54 MINUTES 05 SECONDS WEST, 9.96 FEET TO A 1/2 INCH IRON PIN MARKING THE SOUTHEAST CORNER OF LOT 20 AS RECORDED IN DOCUMENT NUMBER 20140331000160690 AS RECORDED IN SAID PROBATE OFFICE; THENCE NORTH 01 DEGREE 24 MINUTES 09 SECONDS EAST, 149.67 FEET TO A CAPPED IRON PIN (SCHOEL CA#003) TO THE SOUTH RIGHT-OF-WAY MARGIN OF GOVERNORS DRIVE (HIGHWAY 53); THENCE, ALONG THE SAID SOUTH RIGHT-OF-WAY MARGIN, SOUTH 89 DEGREES 20 MINUTES 50 SECONDS EAST, 10.23 FEET TO A CAPPED IRON PIN (SCHOEL CA#003); THENCE SOUTH 01 DEGREE 30 MINUTES 12 SECONDS WEST, 149.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES, (1512 SQUARE FEET) MORE OR LESS.