

## RESOLUTION NO. 23-990

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

1. That the Vista Huntsville, LLC, is the sole landowner abutting the property hereinafter described, made application for the vacation of that certain Right-of-way more particularly described as follows (the "Right-of-way" or the "Property"):

**See Exhibit "A" attached hereto and incorporated herein.**

2. That notice of the vacation of the Right-of-way 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 Right-of-way 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 Right-of-way 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 Right-of-way and that the vacation of the designated portion of Right-of-way 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 Right-of-way 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 Right-of-way. Title and all public rights shall vest in the abutting landowner, Vista Huntsville, LLC.

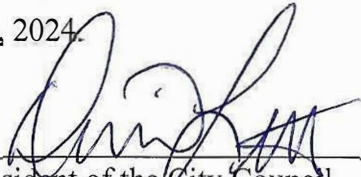
6. That the City of Huntsville reserves the right to a public utility and drainage easement over, across and under the entirety of the parcel of land being vacated.

7. That notice of this resolution shall be published in *The Speakin' Out News* 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 Right-of-way and

that the above described Property be and the same is hereby vacated and annulled and all public rights therein divested of the Property.

**ADOPTED** this the 11th day of January, 2024.



---

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

**APPROVED** this the 11th day of January, 2024.



---

Mayor of the City of Huntsville,  
Alabama

## EXHIBIT A

### Legal Description of Right-of-Way

STATE OF ALABAMA  
MADISON COUNTY

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

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE AS RECORDED IN PLAT BOOK 2022, PAGE 289 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND BEING FURTHER DESCRIBED AS LYING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF DAVIS CIRCLE (RIGHT-OF-WAY WIDTH VARIES) AND THE WESTERLY RIGHT-OF-WAY MARGIN OF PELHAM AVENUE (RIGHT-OF-WAY WIDTH VARIES) AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1537236.00, EAST: 429877.09; THENCE, FROM THE POINT OF BEGINNING, SOUTH 42 DEGREES 37 MINUTES 41 SECONDS WEST, 37.62 FEET TO A POINT; THENCE SOUTH 50 DEGREES 18 MINUTES 52 SECONDS WEST, 48.41 FEET TO A POINT; THENCE RUN 53.71 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 364.25 FEET, A DELTA ANGLE OF 8 DEGREES 26 MINUTES 54 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 47 DEGREES 45 MINUTES 53 SECONDS WEST, 53.66 FEET TO A POINT LYING ON THE PRESENT WESTERLY RIGHT-OF-WAY MARGIN OF PELHAM AVENUE; THENCE RUN ALONG SAID WESTERLY MARGIN NORTH 31 DEGREES 10 MINUTES 39 SECONDS EAST, 19.70 FEET TO A POINT; THENCE, CONTINUE ALONG SAID WESTERLY MARGIN, NORTH 48 DEGREES 08 MINUTES 49 SECONDS EAST, 5.90 FEET TO A POINT; THENCE, CONTINUE ALONG SAID WESTERLY MARGIN, RUN 22.76 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 275.00 FEET, A DELTA ANGLE OF 4 DEGREES 44 MINUTES 29 SECONDS AND A CHORD BEARING AND DISTANCE OF NORTH 46 DEGREES 31 MINUTES 03 SECONDS EAST, 22.75 FEET TO A POINT; THENCE, CONTINUE ALONG SAID WESTERLY MARGIN, NORTH 50 DEGREES 53 MINUTES 17 SECONDS EAST, 85.69 FEET TO A POINT; THENCE, CONTINUE ALONG SAID WESTERLY MARGIN, RUN 6.41 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET, A DELTA ANGLE OF 2 DEGREES 56 MINUTES 18 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 49 DEGREES 31 MINUTES 09 SECONDS EAST, 6.41 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.013 ACRES (586 SQUARE FEET) MORE OR LESS.

BUT RESERVING IN FAVOR OF THE CITY OF HUNTSVILLE, A PUBLIC UTILITY AND DRAINAGE EASEMENT OVER, ACROSS AND UNDER THE ENTIRETY OF THE ABOVE DESCRIBED 0.013 ACRE PARCEL OF LAND.