

ORDINANCE NO. 2023-221

**AN ORDINANCE FOR THE VACATION OF UTILITY AND DRAINAGE EASEMENT
LOCATED WITHIN LOTS 26-38 OF THE HEIGHTS AT TOWN MADISON PHASE 5**

BE IT HEREBY FOUND AND ORDAINED by the City Council of the City of Madison, Alabama, as follows:

SECTION 1. That an application has been presented to the Planning & Economic Development Department of the City of Madison on behalf of SMB Land, LLC requesting the vacation of utility and drainage easement located within Lots 26-38 of The Heights at Town Madison Phase 5:

STATE OF ALABAMA
COUNTY OF MADISON

EASEMENT No. 1 TO BE VACATED

A PORTION OF THAT 20' UTILITY AND DRAINAGE EASEMENT AS SHOWN ON THE FINAL PLAT OF THE HEIGHTS AT TOWN MADISON PHASE 5 RECORDED IN PLAT BOOK 2022, PAGE 424, PROBATE OFFICE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 26 OF SAID PLAT BEING ON THE SOUTHERN RIGHT-OF-WAY OF TOWN MADISON BOULEVARD; THENCE LEAVING SAID SOUTHERN RIGHT-OF-WAY $S02^{\circ}40'21''E$ 12.00 FEET TO THE POINT OF BEGINNING; THENCE $N87^{\circ}19'39''E$ 418.49 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 9.00 FEET, AN ARC LENGTH OF 3.06 FEET, AND A CHORD BEARING AND DISTANCE OF $S12^{\circ}24'30''E$ 3.04 FEET; THENCE $S02^{\circ}40'21''E$ 5.00 FEET; THENCE $S87^{\circ}19'39''W$ 419.00 FEET; THENCE $N02^{\circ}40'21''W$ 8.00 FEET TO THE POINT OF BEGINNING.

EASEMENT No. 2 TO BE VACATED

A PORTION OF THAT 20' UTILITY AND DRAINAGE EASEMENT AS SHOWN ON THE FINAL PLAT OF THE HEIGHTS AT TOWN MADISON PHASE 5 RECORDED IN PLAT BOOK 2022, PAGE 424, PROBATE OFFICE, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 37 OF SAID PLAT BEING ON THE SOUTHERN RIGHT-OF-WAY OF TOWN MADISON BOULEVARD; THENCE LEAVING SAID SOUTHERN RIGHT-OF-WAY $S02^{\circ}40'21''E$ 12.00 FEET TO THE POINT OF BEGINNING; THENCE $N87^{\circ}19'39''E$ 58.49 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 9.00 FEET, AN ARC LENGTH OF 3.06 FEET, AND A CHORD BEARING AND DISTANCE OF $S12^{\circ}24'30''E$ 3.04 FEET; THENCE $S02^{\circ}40'21''E$ 5.00 FEET; THENCE $S87^{\circ}19'39''W$ 233.00 FEET; THENCE $N02^{\circ}40'21''W$ 5.00 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 9.00 FEET, AN ARC LENGTH OF 3.06 FEET, AND A CHORD BEARING AND DISTANCE OF $N07^{\circ}03'47''E$ 3.04 FEET; THENCE $N87^{\circ}19'39''E$ 173.49 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the easement requested for vacation is not used by the City, and it is no longer needed for public or municipal purposes.

SECTION 3. Pursuant to the findings in this Ordinance, the Mayor of the City of Madison, Alabama, is hereby authorized, requested, and directed to execute a quitclaim deed vacating the easement.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Madison, Alabama, that, in accordance with the foregoing, the Mayor of the City of Madison, Alabama, is hereby authorized and directed to execute a quitclaim deed vacating the above-described utility and drainage easement in favor of **SMB Land, LLC**, and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same.

READ, PASSED, AND ADOPTED this ____ day of July 2023.

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

Lisa Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this _____ day of July 2023.

Paul Finley, Mayor
City of Madison, Alabama