

**RESOLUTION NO. 2023-199-R**

**A RESOLUTION AUTHORIZING A PERMISSIVE USE AGREEMENT WITH  
MADISON UTILITIES FOR PEDESTRIAN ACCESS TO THE OAKLAND  
SPRING GREENWAY**

**WHEREAS**, Madison Utilities currently holds a sanitary sewer easement to Property, described with specificity herein, near the Oakland Springs Branch creek (herein “the Oakland Spring Greenway”); and,

**WHEREAS**, the City of Madison (herein “the City”) proposes that a pedestrian trail be placed upon the Oakland Spring Greenway within the existing Madison Utility easement; and,

**WHEREAS**, the City Attorney has prepared the attached **Exhibit A: Permissive Use Agreement** by which Madison Utilities would agree to the placement of the pedestrian trail on the easement within the following described property:

State of Alabama                     )  
Limestone County                 )

A tract of land, being a permanent sanitary sewer easement located in the Northwest 1/4 of Section 11, Township 4 South, Range 3 West, Limestone County, Alabama, and more particularly described as follows:

Commence at the northwest corner of said Section 11 and run South 89 Degrees 34 Minutes 17 Seconds East along the north boundary thereof, 1435.31 feet to the point of beginning; thence South 02 Degrees 53 Minutes 47 Seconds West, 445.48 feet; thence South 02 Degrees 19 Minutes 47 Seconds West, 524.02 feet; thence South 40 Degrees 23 Minutes 55 Seconds West, 105.77 feet more or less to the south boundary of J. Rand Bryan's property as described in Fiche 1386 Page 073; thence South 89 Degrees 34 Minutes 17 Seconds East along said boundary line, 39.15 feet; thence North 40 Degrees 23 Minutes 55 Seconds East, 90.98 feet; thence North 02 Degrees 19 Minutes 47 Seconds East, 113.06 feet; thence North 78 Degrees 54 Minutes 27 Seconds East, 344.44 feet more or less to the east boundary of said J. Rand Bryan's property; thence North 00 Degrees 25 Minutes 32 Seconds East along said boundary line, 20.41 feet; thence South

78 Degrees 54 Minutes 27 Seconds West, 343.74 feet; thence North 02 Degrees 19 Minutes 47 Seconds East, 400.60 feet; thence North 02 Degrees 53 Minutes 47 Seconds East, 446.62 feet to the north boundary of the said J. Rand Bryan's property; thence North 89 Degrees 34 Minutes 17 Seconds West along said boundary line, 30.03 feet to the point of beginning. Said tract having 0.90 acres more or less.

**NOW, BE IT HEREBY RESOLVED** by the City Council of the City of Madison, Alabama, that the Mayor is authorized and directed to execute a Permissive Use Agreement with Madison Utilities for public purpose of allowing the City to place a pedestrian adjacent to the Oakland Spring Branch creek property and within the Madison Utility easement, said Agreement to be substantially similar in purpose, intent, and composition as that document attached hereto and identified as "Exhibit A: Permissive Use Agreement," and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same; and

**BE IT FURTHER RESOLVED** that, except for the extension or cancellation of the Agreement, the Mayor or his designee shall be hereby authorized for the entire term thereof to execute any and all documentation necessary to enforce and comply with its terms, subject to the budgetary restrictions set forth by the Council in its duly adopted budget for the then-current fiscal year; and

**READ, APPROVED, AND ADOPTED** this 12<sup>th</sup> day of June 2023.

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*Ranae Bartlett, Council President*  
City of Madison, Alabama

**ATTEST:**

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*Lisa D. Thomas, City Clerk-Treasurer*  
City of Madison, Alabama

**APPROVED** this \_\_\_\_ day of June 2023.

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*Paul Finley, Mayor*  
City of Madison, Alabama