

ORDINANCE NO. 2023-138

**AN ORDINANCE FOR THE VACATION OF A UTILITY AND DRAINAGE EASEMENT
LOCATED WITHIN THE HEIGHTS AT TOWN MADISON SUBDIVISION**

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 Old Town Investments, LLC, requesting the vacation of utility and drainage easement located within Lots 1-25 of The Heights at Town Madison, Phase 5 and further described as follows:

STATE OF ALABAMA
COUNTY OF MADISON

ALL THAT PART OF LOTS 1-17 OF THE HEIGHTS AT TOWN MADISON, PHASE 5, A RESUBDIVISION OF TRACT B, THE HEIGHTS AT TOWN MADISON, PHASE 1A, A RESUBDIVISION OF TRACT B, THE HEIGHTS AT TOWN MADISON, A RESUBDIVISION OF TRACT B, TOWN MADISON, AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN PLAT BOOK 2022, PAGES 424-426, BEING THE SOUTH 10 FEET OF AND EXISTING 20 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LYING SOUTH OF AND ADJACENT TO THE SOUTH RIGHT-OF-WAY OF TOWN MADISON BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD, THENCE SOUTH 45 DEGREES 29 MINUTES 17 SECONDS EAST AND ALONG THE WEST BOUNDARY OF SAID LOT 1, 10.01 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 541.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 45 DEGREES 54 MINUTES 44 SECONDS EAST, 26.44 FEET TO A POINT; THENCE NORTH 44 DEGREES 30 MINUTES 43 SECONDS EAST, 247.52 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 609.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 56 DEGREES 46 MINUTES 14 SECONDS EAST, 258.61 FEET TO A POINT ON THE WEST BOUNDARY OF AN EXISTING 6.00 FOOT WIDE UTILITY AND DRAINAGE EASEMENT; THENCE ALONG THE SAID WEST BOUNDARY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 9.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 36 DEGREES 17 MINUTES 12 SECONDS EAST, 5.78 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID WEST BOUNDARY, SOUTH 17 DEGREES 30 MINUTES 02 SECONDS EAST, 4.42 FEET TO A POINT ON THE SOUTH BOUNDARY OF AN EXISTING 20 FOOT WIDE UTILITY AND DRAINAGE EASEMENT; THENCE ALONG THE SAID SOUTH BOUNDARY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 599.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 56 DEGREES 49 MINUTES 51 SECONDS WEST, 255.60 FEET TO A POINT; THENCE CONTINUE ALONG THE SAID SOUTH BOUNDARY, SOUTH 44 DEGREES 30 MINUTES 43 SECONDS WEST, 247.52 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID SOUTH BOUNDARY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 551.00 FEET, A CHORD BEARING AND DISTANCE

OF SOUTH 45 DEGREES 53 MINUTES 12 SECONDS WEST, 26.44 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 1; THENCE ALONG THE SAID WEST BOUNDARY, NORTH 45 DEGREES 29 MINUTES 17 SECONDS WEST, 10.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 5336 SQUARE FEET, MORE OR LESS.

ALSO:

ALL THAT PART OF LOTS 18-25 OF THE HEIGHTS AT TOWN MADISON, PHASE 5, A RESUBDIVISION OF TRACT B, THE HEIGHTS AT TOWN MADISON, PHASE 1A, A RESUBDIVISION OF TRACT B, THE HEIGHTS AT TOWN MADISON, A RESUBDIVISION OF TRACT B, TOWN MADISON, AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN PLAT BOOK 2022, PAGES 424-426, BEING THE SOUTH 10 FEET OF AND EXISTING 20 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LYING SOUTH OF AND ADJACENT TO THE SOUTH RIGHT-OF-WAY OF TOWN MADISON BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 25, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF SAID TOWN MADISON BOULEVARD, THENCE SOUTH 02 DEGREES 40 MINUTES 21 SECONDS EAST AND ALONG THE EAST BOUNDARY OF SAID LOT 25, 10.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE FROM THE POINT OF BEGINNING CONTINUE ALONG THE SAID EAST BOUNDARY, SOUTH 02 DEGREES 40 MINUTES 21 SECONDS EAST, 10.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF AN EXISTING 20 FOOT WIDE UTILITY AND DRAINAGE EASEMENT; THENCE ALONG THE SAID SOUTH BOUNDARY, SOUTH 87 DEGREES 19 MINUTES 38 SECONDS WEST, 313.85 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 599.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 35 MINUTES 18 SECONDS WEST, 119.80 FEET TO A POINT ON THE EAST BOUNDARY OF AN EXISTING 6.00 FOOT WIDE UTILITY AND DRAINAGE EASEMENT; THENCE ALONG THE SAID EAST BOUNDARY, NORTH 17 DEGREES 30 MINUTES 02 SECONDS WEST, 4.42 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SAID EAST BOUNDARY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 9.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 01 DEGREES 17 MINUTES 08 SECONDS EAST, 5.80 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 609.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES 38 MINUTES 56 SECONDS EAST, 120.52 FEET TO A POINT; THENCE NORTH 87 DEGREES 19 MINUTES 38 SECONDS EAST, 58.85 FEET TO A POINT; THENCE SOUTH 02 DEGREES 40 MINUTES 21 SECONDS EAST, 5.00 FEET TO A POINT; THENCE NORTH 87 DEGREES 19 MINUTES 38 SECONDS EAST, 10.00 FEET TO A POINT; THENCE NORTH 02 DEGREES 40 MINUTES 21 SECONDS WEST, 5.00 FEET TO A POINT; THENCE NORTH 87 DEGREES 19 MINUTES 38 SECONDS EAST 245.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 4298 SQUARE FEET, MORE OR LESS.

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 easements in favor of **Old Town Investments, LLC**, and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same.

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

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

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

APPROVED this _____ day of April 2023.

Paul Finley, Mayor
City of Madison, Alabama