



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/10/2023

File ID: TMP-3225

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 1, Vista Council Square at 605 Davis Circle. (Rocket City I, LLC)

Ordinance No.

Finance Information:

Account Number: NA

City Cost Amount: NA

Total Cost: NA

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location: (list below)

Address: 605 Davis Circle

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:

ORDINANCE NO. 23-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting the vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Rocket City I, LLC**, is the owner of the property across which said easement lies; that said easement, or the portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
WILMER & LEE, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801
(256) 533-0202

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this 10 day of August, 2023, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and ROCKET CITY I, LLC, a Delaware limited liability company ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit (the "Easement"):

See Exhibit "A" attached hereto and incorporated herein, and as depicted in that drawing attached hereto as Exhibit "B".

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its City Clerk, pursuant to Ordinance No. 23-, as of this the 10 day of August, 2023.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of the CITY OF HUNTSVILLE, an Alabama municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said municipal corporation.

GIVEN under my hand and official seal this the 10 day of August, 2023.

NOTARY PUBLIC
My commission expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.

Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: 308 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address: 120 N. Hale Street, Ste. 300, Wheaton, IL 60187
Property Address: Portion of 5' U&D Easement located in S1, T4S, R1W
Purchase Price: N/A

Exhibit "A"
(Legal Description of portion of Easement being Vacated)

PORTION OF 5-FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT TO BE VACATED

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 A PORTION OF A 5-FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT LYING WITHIN LOT 1 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 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1537267.74, EAST: 429037.78; THENCE RUN ALONG THE WEST BOUNDARY OF SAID LOT 1, NORTH 26 DEGREES 37 MINUTES 07 SECONDS EAST, 26.76 FEET TO A POINT; THENCE, CONTINUE ALONG SAID WEST BOUNDARY, NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 89.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF DAVIS CIRCLE, 29.03 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 33 DEGREES 16 MINUTES 07 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 64 DEGREES 17 MINUTES 26 SECONDS EAST, 28.63 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY, RUN 43.33 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 49 DEGREES 39 MINUTES 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 74 DEGREES 14 MINUTES 06 SECONDS EAST, 41.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY, RUN 26.81 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 15 DEGREES 21 MINUTES 38 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 57 DEGREES 05 MINUTES 32 SECONDS EAST, 26.73 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY MARGIN, RUN NORTH 82 DEGREES 58 MINUTES 03 SECONDS EAST, 31.22 FEET ALONG THE SOUTH MARGIN OF AN EXISTING 5-FOOT WIDE UTILITY AND DRAINAGE EASEMENT AS DEPICTED ON SAID FINAL PLAT; THENCE, LEAVING SAID SOUTH EASEMENT MARGIN, RUN 55.64 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 95.00 FEET, A DELTA ANGLE OF 33 DEGREES 33 MINUTES 20 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 66 DEGREES 11 MINUTES 24 SECONDS WEST, 54.84 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN 49.40 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 55.00 FEET, A DELTA ANGLE OF 51 DEGREES 27 MINUTES 45 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 75 DEGREES 08 MINUTES 25 SECONDS WEST, 47.76 FEET TO A POINT; THENCE NORTH 28 DEGREES 19 MINUTES 44 SECONDS EAST, 5.27 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (413 SQUARE FEET) MORE OR LESS.

NO Project#2121325,NO 600 St. Clair Ave. Mixed Use/Survey#21325,NO SEV#2 (other easements),dwg



Ordinance No. 23-_____ (Cont.)

ADOPTED this the 10th day of August, 2023.

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

APPROVED this the 10th day of August, 2023.

Mayor of the City of
Huntsville, Alabama