



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/21/2023

File ID: TMP-3729

Department: Legal

Subject:

Type of Action: Approval/Action

A resolution terminating Resolution No. 23-880 and approving a corrected petition for authority to add additional land to the Mid City Improvement District and to amend the articles of incorporation of the district to reflect the same.

Resolution No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments:

N/A

RESOLUTION NO. 23-_____

**A RESOLUTION TERMINATING RESOLUTION NO. 23-880 AND APPROVING A
CORRECTED PETITION SEEKING AUTHORITY TO AMEND THE ARTICLES OF
INCORPORATION OF MIDCITY IMPROVEMENT DISTRICT TO ADD ADDITIONAL
PROPERTY TO SUCH DISTRICT**

WHEREAS, the MidCity Improvement District (the "District") filed a petition dated March 15, 2023 (the "Original Petition") with the City Council of the City of Huntsville, Alabama (the "Council") requesting authority (i) to include certain additional real property more particularly described in the Original Petition (the "Additional Property") within the District with what the District declared as the consent of the owners of such Additional Property, and (ii) to amend the Articles of Incorporation of the District for such expansion, all pursuant to the provisions of Chapter 99A of Title 11 of the Code of Alabama 1975, as amended (the "Act"); and

WHEREAS, based upon the representations of the District in the Original Petition, the City Council, pursuant to Resolution No. 23-880 adopted on October 26, 2023, approved adding the Additional Property to the District and amending the Articles of Incorporation of the District in connection therewith; and

WHEREAS, representatives of the District have notified the City that, following the Council's adoption of Resolution No. 23-880, the District realized that it had not obtained the consent of the record owners of the Additional Property to be included in the District, and that its representations to the Council in the Original Petition pertaining to such consents were given in error; and

WHEREAS, the District has requested that the Council terminate Resolution No. 23-880 and approve a new petition for authority to (i) add the Additional Property to the District with the consent of what the District now represents as the true and correct owners of the Additional Property, and (ii) amend the Articles of Incorporation of the District respecting such expansion, which such petition is attached hereto as Exhibit A (the "Corrected Petition");

NOW, THEREFORE, BE IT RESOLVED, that, based upon the representations made by the District in the Corrected Petition, the Council hereby (i) terminates Resolution No. 23-880, which such resolution shall be of no further force and effect; (ii) approves expanding the District to add the Additional Property (as described in the Corrected Petition) to the District, and (iii) approves the Corrected Petition.

ADOPTED this the 21st day of December, 2023.

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

APPROVED this the 21st day of December, 2023.

Mayor of the City of
Huntsville, Alabama

Exhibit A
Corrected Petition

**PETITION TO AMEND THE DISTRICT AND THE ARTICLES OF INCORPORATION
OF MIDCITY IMPROVEMENT DISTRICT**

TO THE GOVERNING BODY OF THE CITY OF HUNTSVILLE, ALABAMA:

The undersigned Chairman of the Board of Directors of the MidCity Improvement District (the “District”) does hereby petition the City Council of the City of Huntsville, Alabama (the “City Council”) to obtain authority to amend the District and the articles of incorporation of the District in accordance with the provisions of the statutes codified as Chapter 99A of Title 11 of the Code of Alabama I 975, as heretofore amended or supplemented (the “Act”), and states and certifies the following:

(1) The District is a public corporation organized as an improvement district under the provision of the Act by Articles of Incorporation filed in the office of the Judge of Probate of Madison County, Alabama, on August 13, 2018, and recorded as Instrument No. 2018- 00052026.

(2) On February 20, 2019, following a public hearing and subject to the approval of the City Council, the Board of Directors of the District adopted a resolution to amend the District to add additional property contiguous with land within the District located within the corporate limits of the City of Huntsville, Alabama, with the consent of the owner of such additional property, and to amend the Articles of Incorporation of the District for such expansion of the District. Pursuant to such approval, a First Amendment to Articles of Incorporation of the District was filed in the office of the Judge of Probate of Madison County on April 8, 2019, and recorded as Instrument No. 2019-00020435.

(3) On February 8, 2023, following a public hearing and subject to the approval of the City Council, the Board of Directors of the District adopted a resolution to additionally amend the District to add additional property contiguous with land within the District located within the corporate limits of the City of Huntsville, Alabama, with the consent of the owner of such additional property, and to additionally amend the Articles of Incorporation of the District for such expansion of the District. The legal description of such additional land is set forth on Exhibit A attached hereto, and a map or plat of such additional land is set forth on Exhibit B attached hereto.

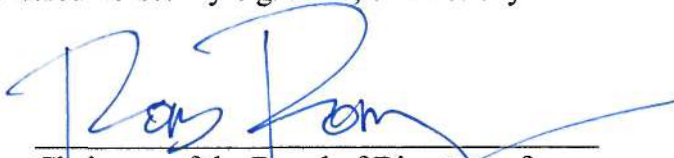
(4) Mid-City Owner, LLC is the owner of the additional land described on Exhibit A-1 and depicted on Exhibit B-1, provides its written consent below to the addition of such property to the District. MidCity Plaza, LLC is the owner of the additional land described on Exhibit A-2 and depicted on Exhibit B-2, provides its written consent below to the addition of such property to the District.

(5) A proposed form of the Second Amendment to Articles of Incorporation for the District is attached as Exhibit C regarding the expansion of the District.

(6) The undersigned hereby requests on behalf of the Board of Directors of the District that the City Council adopt a resolution which declares that it has reviewed the contents of this petition and authorizes and approves adding (i) the additional property described on Exhibit A-1 and depicted on Exhibit B-1 and (ii) the additional property described on Exhibit A-2 and depicted

on Exhibit B-2 to the District and the proposed Second Amendment to the Articles of Incorporation of the District regarding the expansion of the District.

IN WITNESS WHEREOF, I have hereunto set my signature, this 1st day of December, 2023.



Chairman of the Board of Directors of
MidCity Improvement District

Consents of Owners:

Mid-City Owner, LLC is the owner of that certain property described as "Touchstar Tracts" (Tract 1 and Tract 2) on Exhibit A-1 and depicted on Exhibit B-1 attached to this Petition and hereby consents to the addition of such property to the District.

Mid-City Owner, LLC, an Alabama limited liability company

By: 
Max Grelier
As Its: Manager

MidCity Plaza, LLC is the owner of that certain property described as "Madison Plaza Tract" on Exhibit A-2 and depicted on Exhibit B-2 attached to this Petition and hereby consents to the addition of such property to the District.

MidCity Plaza, LLC, an Alabama limited liability company


By: 
Max Grelier
As Its: Manager

EXHIBIT A-1

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Legal Description of Additional Land to be included within the District

See Attached Legal Description

- LEGAL DESCRIPTIONS
FOR "TOUCHSTAR TRACTS" TO BE
ADDED TO DISTRICT BOUNDARY

MID-CITY OWNER, LLC TRACTS:

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of 2 tracts of land lying and being in Section 31, Township 3 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows.

Said tracts being all of the property conveyed to Mid-City Owner, LLC in Instrument 2019 - 00076647 as recorded in the Office of the Judge of Probate for Madison County, Alabama.

TRACT 1:

Commencing at the center of Section 31, Township 3 South, Range 1 West of the Huntsville Meridian; thence South 89 Degrees 21 Minutes 36 Seconds East a distance of 274.03 feet to a #5 rebar with a cap Stamped "Garver LLC CA 445 (typical) set on the east right-of-way of Alabama Highway No. 255 (AKA Research Park Boulevard); thence along said right-of-way North 1 Degrees 39 Minutes 24 Seconds East a distance of 373.10 feet to a #4 rebar found; thence North 1 Degrees 39 Minutes 24 Seconds East a distance of 160.11 feet to a #4 rebar found; thence leaving said right-of-way South 87 Degrees 57 Minutes 58 Seconds East a distance of 23.33 feet to a #5 rebar set; thence North 1 Degrees 42 Minutes 10 Seconds East a distance of 419.00 feet to a #4 rebar found; thence South 87 Degrees 29 Minutes 51 Seconds East a distance of 20.96 feet to a X cut in concrete found on a curve to the left, having a radius of 188.50 feet, the chord of which is South 16 Degrees 57 Minutes 52 Seconds East for a distance of 125.06 feet; thence along the arc of said curve 127.47 feet to a X cut in concrete found at the point of tangency of said curve; thence South 36 Degrees 18 Minutes 24 Seconds East a distance of 442.83 feet to a #5 rebar set; thence South 36 Degrees 18 Minutes 24 Seconds East a distance of 116.38 feet to a #5 rebar set, said point being the Point of Beginning of the herein described tract, having established grid coordinates of (N) 1542209.47, (E) 405313.45 zone east of the Alabama State Plane Coordinate System of the North American Datum of 1983 (NAD83);

Thence South 36 Degrees 18 Minutes 24 Seconds East a distance of 96.64 feet to a #4 rebar found at the point of curvature of a curve to the left, having a radius of 188.50 feet, the chord of which is South 58 Degrees 52 Minutes 50 Seconds East for a distance of 144.74 feet; thence along the arc of said curve 148.55 feet to a #5 rebar set; thence South 81 Degrees 27 Minutes 28 Seconds East a distance of 55.80 feet to a X cut in concrete found; thence South 8 Degrees 50 Minutes 49 Seconds West a distance of 146.86 feet to a #4 rebar found; thence North 86 Degrees 33 Minutes 05 Seconds West a distance of 134.21 feet to a #5 rebar set; thence North 73 Degrees 49 Minutes 58 Seconds West a distance of 80.63 feet to a #5 rebar set; thence North 0 Degrees 28 Minutes 52 Seconds West a distance of 275.57 feet to the POINT OF BEGINNING.

The above-described tract contains 0.96 acres (41696.18 sq. ft.), more or less.

TRACT 2:

Commencing at the center of Section 31, Township 3 South, Range 1 West of the Huntsville Meridian; thence South 89 Degrees 21 Minutes 36 Seconds East a distance of 274.03 feet to a #5 rebar with a cap Stamped "Garver LLC CA 445 (typical) set on the east right-of-way of Alabama Highway No. 255 (AKA Research Park Boulevard); thence along said right-of-way North 1 Degrees 39 Minutes 24 Seconds East a distance of 373.10 feet to a #4 rebar found; thence North 1 Degrees 39 Minutes 24 Seconds East a distance of 160.11 feet to a #4 rebar found; thence leaving said right-of-way South 87 Degrees 57 Minutes 58 Seconds East a distance of 23.33 feet to a #5 rebar set; thence North 1 Degrees 42 Minutes 10 Seconds East a distance of 419.00 feet to a #4 rebar found; thence South 87 Degrees 29 Minutes 51 Seconds East a distance of 20.96 feet to a X cut in concrete found on a curve to the left, having a radius of 188.50 feet, the chord of which is South 16 Degrees 57 Minutes 52 Seconds East for a distance of 125.06 feet; thence along the arc of said curve 127.47 feet to a X cut in concrete found at the point of tangency of said curve; thence South 36 Degrees 18 Minutes 24 Seconds East a distance of 442.83 feet to a #5 rebar set on a curve to the left, having a radius of 584.00 feet, the chord of which is South 3 Degrees 32 Minutes 10 Seconds West for a distance of 43.90 feet; thence along the arc of said curve 43.91 feet to a #5 rebar set, said point being the Point of Beginning of the herein described tract, having established grid coordinates of (N) 1542259.43, (E) 405241.84 zone east of the Alabama State Plane Coordinate System of the North American Datum of 1983 (NAD83);

Thence continuing along said curve, a chord of South 0 Degrees 26 Minutes 53 Seconds West a distance of 18.98 feet to a #5 rebar set at the Point of Tangency of said curve; thence South 0 Degrees 28 Minutes 52 Seconds East a distance of 101.02 feet to a #5 rebar set; thence South 89 Degrees 31 Minutes 08 Seconds West a distance of 120.00 feet to a #5 rebar set; thence North 0 Degrees 28 Minutes 52 Seconds West a distance of 120.00 feet to a #5 rebar set; thence North 89 Degrees 31 Minutes 08 Seconds East a distance of 120.31 feet to the POINT OF BEGINNING.

The above-described tract contains 0.33 acres (14401.95 sq. ft.), more or less.

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5125A Research Drive
Huntsville, AL 35805
(256) 534-5512

MIDCITY IMPROVEMENT
DISTRICT
HUNTSVILLE, AL
MIDCITY IMPROVEMENT
DISTRICT PLAN

ADDITIONAL DISTRICT
LANDS - TOUCHSTAR
TRACTS

FIGURE NUMBER
EXHIBIT 7A

SHEET
NUMBER

EXHIBIT B-1

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Map or Plat Depicting Additional Land to be included within the District

See attached Map or Plat

22

LOT 7 BLOCK 9
PHASE 13
0.54 ACRES +/-
23522.4 SQFT

CITY OF HUNTSVILLE
W.HSV.PARK

TOUCHSTAR TRACT 1
.33 ACRES +/-
DOC#201900076647

LOT 2 BLOCK 9
PHASE 13
0.58 ACRES +/-
25264.8 SQFT

AMERICANA TRAIL

RO
LOT
PHAS
2.93 ACI
127630.8

TOUCHSTAR TRACT 2
.96 ACRES +/-
DOC#201900076647



(IN FEET)



ORIGINAL DISTRICT BOUNDARY DEFINED
BY (RESOLUTION NO. 18-652)



ADDITIONAL DISTRICT LAND BY AMMENDMENT (RESOLUTION NO.

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**MIDCITY IMPROVEMENT
DISTRICT
HUNTSVILLE, AL
MIDCITY IMPROVEMENT
DISTRICT PLAN**

ADDITIONAL DISTRICT
LANDS - TOUCHSTAR
TRACTS

FIGURE NUMBER
EXHIBIT 7

SHEET
NUMBER

EXHIBIT A-2

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Legal Description of Additional Land to be included within the District

See Attached Legal Description

- LEGAL DESCRIPTIONS
FOR MADISON PLAZA TRACT TO
BE ADDED TO DISTRICT
BOUNDARY

STATE OF ALABAMA
MADISON COUNTY

MADISON PLAZA ASSOCIATES, LLC DEED BOOK 2022, PAGES 52648-52652:

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Sections 31 and 32, Township 3 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows.

Said tract being all of the property conveyed to Madison Plaza Associates, LLC, Deed Book 2022, Pages 52648 - 52652 as recorded in the Office of the Judge of Probate for Madison County, Alabama

Commencing at the center of the east boundary of Section 31, Township 3 South, Range 1 West of the Huntsville Meridian; thence North 8 Degrees 51 Minutes 24 Seconds East a distance of 76.58 feet to a #5 rebar with a cap Stamped "Garver LLC CA 445 (typical) set on the south right-of-way of Sanderson Street, said point being the Point of Beginning of herein described tract.

Thence along the right-of-way North 81 Degrees 10 Minutes 07 Seconds West a distance of 12.50 feet to a #5 rebar set at the point of curvature of a curve to the left, having a radius of 388.30 feet, the chord of which is North 85 Degrees 35 Minutes 47 Seconds West for a distance of 57.40 feet; thence along the arc of said curve 57.45 feet to a #5 rebar set; thence North 89 Degrees 41 Minutes 23 Seconds West a distance of 183.03 feet to a #5 rebar set on the east right-of-way of Old Monrovia Road; thence leaving said south right-of-way and along said right-of-way of Old Monrovia Road North 8 Degrees 22 Minutes 27 Seconds East a distance of 86.44 feet to a #5 rebar set; thence leaving said right-of-way South 65 Degrees 28 Minutes 02 Seconds East a distance of 87.68 feet to the point of curvature of a curve to the left, having a radius of 917.62 feet, the chord of which is South 69 Degrees 08 Minutes 05 Seconds East for a distance of 113.28 feet; thence along the arc of said curve 113.35 feet to a rebar found, thence North 16 Degrees 45 Minutes 47 Seconds East a distance of 10.00 feet to a #5 rebar set on a curve to the left, having a radius of 914.99 feet, the chord of which is South 75 Degrees 51 Minutes 31 Seconds East for a distance of 103.19 feet; thence along the arc of said curve 103.24 feet to a rebar found; thence South 3 Degrees 43 Minutes 21 Seconds East a distance of 8.09 feet to a #5 rebar set on the south right-of-way of Sanderson Street; thence along said right-of-way of North 81 Degrees 10 Minutes 07 Seconds West a distance of 49.66 feet to the Point of Beginning.

The above described tract contains 0.23 acres (10203.50 sq. ft.), more or less.

2/8/2023 9:19:23 AM
WORKSPACE: Garver 2012
L:\2019\185021-30 - MidCity Improvement District\Drawings\WCD BOUNDARIES MAD PLAZA EXHIBIT.dgn

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MIDCITY IMPROVEMENT
DISTRICT
HUNTSVILLE, AL
MIDCITY IMPROVEMENT
DISTRICT PLAN

ADDITIONAL DISTRICT
LANDS - MADISON PLAZA
TRACT

FIGURE NUMBER
EXHIBIT 8A

SHEET
NUMBER

EXHIBIT B-2

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Map or Plat Depicting Additional Land to be included within the District

See attached Map or Plat

CITY OF HUNTSVILLE
PO BOX 308
HUNTSVILLE, AL 35801

LOT 2
4.86 ACRES +/-

LOT 1
9.01 ACRES +/-

OLD MONROVIA ROAD

LOT 3
2.00 ACRES +/-

REDSTONE FEDERAL
CREDIT UNION
220 WYNN DR NW
HUNTSVILLE AL 35805
DB 634, PG 672

SPIRIT MASTER
FUNDING III LLC
358 SAW MILL RIVER RD
MILLWOOD, NY 10546
INST. 2007-00011520

SANDERSON ROAD

RCP
LOT 3
PHASE 6
7.02 ACRES +/-
305791.2 SQFT

OLD MONROVIA ROAD

LEGEND



ORIGINAL DISTRICT BOUNDARY DEFINED
BY (RESOLUTION NO. 18-652)



ADDITIONAL DISTRICT LAND BY
AMMENDMENT (RESOLUTION NO.)

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MIDCITY IMPROVEMENT
DISTRICT
HUNTSVILLE, AL
MIDCITY IMPROVEMENT
DISTRICT PLAN

ADDITIONAL DISTRICT
LANDS - MIDCITY PLAZA

FIGURE NUMBER
EXHIBIT 8

SHEET
NUMBER

EXHIBIT C

TO THE PETITION TO AMEND THE ARTICLES OF
INCORPORATION OF MIDCITY IMPROVEMENT DISTRICT

Second Amendment to Articles of Incorporation for the District

**SECOND AMENDMENT TO ARTICLES OF
INCORPORATION OF
MIDCITY IMPROVEMENT DISTRICT**

The undersigned officer of MidCity Improvement District (herein called the “District.”) does hereby make, sign, execute, acknowledge and file this amendment to articles of incorporation of the District in the name and on behalf of the District in accordance with the provisions of statutes codified as Chapter 99A of Title 11 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented (the “Act”):

Item One

The District is a public corporation organized as an improvement district under the provisions of the Act by Articles of Incorporation filed in the office of the Judge to Probate of Madison County, Alabama, on August 13, 2018, and recorded as Document No. 2018-00052026 (the “Articles of Incorporation”).

Item Two

The Articles of Incorporation are hereby amended by to add the following Paragraph (11) and Schedule 2 attached hereto:

(10) The governing body of the City of Huntsville, Alabama adopted its authorizing resolution in accordance with the Act on _____ 2023, a certified copy of which is attached hereto as Schedule 2 and made a part hereof to authorize the expansion of the District and the Second Amendment of the Articles of Incorporation for same.

Item Three

The Articles of Incorporation of the District are hereby amended and provided herein.

[Here ends this text of this document]

WITNESS my signature, under the seal of the District, in the name of and on behalf of the District, this ____ day of December, 2023



Chairman of the Board of Directors of
MidCity Improvement District

[SEAL]

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Rob Robinson whose name as Chairman of the Board of Directors of MidCity Improvement District, a public corporation under the laws of the State of Alabama, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said public corporation.

GIVEN under my hand and official seal of office, this ____ day of _____, 2023.

[NOTARIAL SEAL]

Notary Public

My Commission Expires: _____