



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 2/8/2024

File ID: TMP-3838

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 1, Thornton Acres, 2702 Day Road.

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: 2702 Day Road

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

Additional Comments:

ORDINANCE NO. 24-_____

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 applicants have represented to the City of Huntsville that **Michael McCurry and Tracy McCurry**, are the owners 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:

STATE OF ALABAMA

COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by Michael McCurry and Tracy McCurry, husband and wife, hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

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

IN WITNESS WHEREOF, the City of Huntsville, has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to Ordinance No: 24- _____, as of this the 8th day of February, 2024.

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 and 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 conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 8th day of February, 2024.

NOTARY PUBLIC

My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:

Alysabeth Brown
2 The Point Incorporated
8624 Memorial Parkway SW
Huntsville, Alabama 35802
Ph: 256-539-9426

EXHIBIT "A"
(Easement to be Vacated)

STATE OF ALABAMA
MADISON COUNTY

A 5 FOOT EASEMENT LOCATED ON LOT 1 OF THE FINAL PLAT OF "A RESUBDIVISION OF LOTS 2, 3, AND 4, BLOCK 3 OF THORNTON ACRES AS RECORDED IN PLAT BOOK 1, PAGE 231, LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH WEST CORNER OF SAID LOT 1, THENCE NORTH 24 DEGREES 57 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 5.49 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 24 DEGREES 57 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 167.47 FEET TO A POINT; THENCE, SOUTH 62 DEGREES 35 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 5.00 FEET TO A POINT; THENCE, SOUTH 24 DEGREES 57 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 164.99 FEET TO A POINT; THENCE, NORTH 89 DEGREES 24 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 5.49 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.02 ACRES (831 SQUARE FEET) MORE OR LESS.

Ordinance No. 24-_____ (Cont.)

ADOPTED this the 8th day of February, 2024.

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

APPROVED this the 8th day of February, 2024 .

Mayor of the City of
Huntsville, Alabama