



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/9/2025

File ID: TMP-5086

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 1 of Vista Phase II Subdivision also known as Park Place.

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: Utility and Drainage Easement, Lot 1 of Vista Phase II Subdivision also known as Park Place

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

Additional Comments:

ORDINANCE NO. 25-_____

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 **Park Place Huntsville, 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:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED FOR VACATION OF EASEMENT

WITNESSETH: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, (“Grantor”), in consideration of Ten Dollars (\$10.00) in hand paid by **PARK PLACE HUNTSVILLE, LLC, a Delaware limited liability company** (“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 real estate situated in the City of Huntsville, County of Madison, State of Alabama, and described on **Exhibit “A”** attached hereto, and graphically depicted on **Exhibit “B”** attached hereto.

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

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed in its behalf by its Mayor and attested by its City Clerk, effective as of the 9th day of January, 2025.

**CITY OF HUNTSVILLE,
an Alabama municipal corporation**

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

[notary acknowledgement on following page]

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 voluntarily for and as the act of said corporation as of the day the same bears day.

Given under my hand and official seal this the 9th day of January, 20 25 .

Notary Public

[SEAL]

My commission expires:_____

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: 305 Fountain Circle, Huntsville, AL 35801

Grantee's Address: 120 N. Hale Street, Ste. 300, Wheaton, IL 60187-5134

Property Address: Easement vacation at 605 Davis Cir. SW., Huntsville, AL 35801

Purchase Price: \$0 – Nominal for vacation of easement

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION AND ISSUED NO TITLE OPINION OR TITLE INSURANCE.

This Instrument prepared by:
William H. Galloway
Schoel Engineering Company, Inc.
101 Washington St. SE
Huntsville, Alabama 35801
(256) 539-1221

EXHIBIT "A"
Property Description

STATE OF ALABAMA
COUNTY OF MADISON

UTILITY AND 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 THE UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOT 1 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 140 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1537211.28, EAST: 429444.06; THENCE RUN ALONG THE SOUTH BOUNDARY OF SAID LOT 1, NORTH 82 DEGREES 05 MINUTES 17 SECONDS WEST, 5.32 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, CONTINUE ALONG SAID SOUTH BOUNDARY, NORTH 82 DEGREES 05 MINUTES 17 SECONDS WEST, 392.37 FEET TO A POINT; THENCE, LEAVING SOUTH BOUNDARY OF SAID LOT 1, NORTH 07 DEGREES 54 MINUTES 43 SECONDS EAST, 21.58 FEET TO A POINT; THENCE RUN PARALLEL TO THE WEST BOUNDARY OF SAID LOT 1 AND 5.00 FEET EAST THEREOF, NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 90.25 FEET TO A POINT; THENCE RUN 23.94 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 27 DEGREES 26 MINUTES 15 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 67 DEGREES 12 MINUTES 26 SECONDS EAST, 23.72 FEET TO A POINT; THENCE RUN SOUTH 28 DEGREES 19 MINUTES 44 SECONDS WEST, 95.80 FEET TO A POINT; THENCE RUN PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 1, AND 10.00 FEET NORTH THEREOF, SOUTH 82 DEGREES 05 MINUTES 17 SECONDS EAST, 374.25 FEET TO A POINT; THENCE RUN SOUTH 27 DEGREES 49 MINUTES 25 SECONDS WEST, 10.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.144 ACRES (6279 SQUARE FEET) MORE OR LESS.

Exhibit "B"

ABREVIATIONS
ESMT
EX
P.O.B.
P.O.C.
P.U.D.
R.O.W.
UTILITY & DRAINAGE

1. NORTH ARROW AND COORDINATES AS SHOWN HEREON ARE BASED ON ALABAMA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83.
2. ALL MEASUREMENTS SHOWN ARE IN U.S. SURVEY FEET.
3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SHOWN.
4. THIS IS NOT A PROPERTY BOUNDARY SURVEY.

UTILITY AND DRAINAGE EASEMENT TO BE VACATED

STATE OF ALABAMA
COUNTY OF MADISON

ADJACENT OWNER OF RECORD:
HUNTSVILLE HOUSING AUTHORITY
AND ASSOCIATION INC
200 WASHINGTON STREET
HUNTSVILLE, AL 35801
DEED/2013/687200

COUNCIL HIGH
MEMORIAL PARK

THENCE, FROM THE POINT OF BEGINNING, CONTINUE ALONG SAID SOUTH BOUNDARY, NORTH 82 DEGREES 05 MINUTES 17 SECONDS WEST, 392.37 FEET TO A POINT; THENCE, LEAVING SOUTH BOUNDARY OF SAID LOT 1, NORTH 07 DEGREES 54

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF NORTH: 1537211.28, EAST: 429444.06; THENCE RUN ALONG THE SOUTH BOUNDARY OF SAID LOT 1, NORTH 82 DEGREES 05 MINUTES 17 SECONDS WEST, 5.32 FEET TO THE POINT OF BEGINNING;

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 THE UTILITY AND DRAINAGE EASEMENTS LYING WITHIN LOT 1 OF THE FINAL PLAT OF VISTA AT COUNCIL SQUARE PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 140 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

43 SECONDS EAST, 21.58 FEET TO A POINT; THENCE RUN PARALLEL TO THE WEST BOUNDARY OF SAID LOT 1 AND 5.00 FEET EAST THEREOF, NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 90.25 FEET TO A POINT; THENCE RUN 23.94 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 27 DEGREES 26 MINUTES 15 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 67 DEGREES 12 MINUTES 26 SECONDS WEST, 23.72 FEET TO A POINT; THENCE RUN PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 1, AND 10.00 FEET NORTH THEREOF, SOUTH 82 DEGREES 05 MINUTES 17 SECONDS EAST, 374.25 FEET TO A POINT; THENCE RUN SOUTH 27 DEGREES 49 MINUTES 25 SECONDS WEST, 10.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.144 ACRES (6279 SQUARE FEET) MORE OR LESS.

MINUTES (THE FROM P.O.C. TO P.O.B.)

POINT OF COMMENCEMENT
SE CORNER OF LOT 1
VISTA AT COUNCIL SQUARE
PH II (PB 2023, PG 140)
N: 1537211.28
E: 429444.06

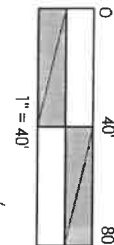
S 27°49'25" W 10.64'
LOT 1
LOT 2

LOT 2
VISTA AT
COUNCIL SQUARE
PB 2022, PG 289

LOT 1
VISTA AT COUNCIL SQUARE PH II
PLAT BOOK 2023, PG 140
OWNER OF RECORD:
ROCKET CITY LLC
120 N HALE ST., STE 300
WHEATON, IL 60187/5134

HATCHED AREA REPRESENTS
UTILITY & DRAINAGE EASEMENT
TO BE VACATED
0.144 AC. ± (6279 SQ. FT.)

CURVE TABLE				
NO.	RADIUS	LENGTH	DELTA	CHORD DIRECTION
C1	50.00'	23.94'	27°26'15"	S 67°12'26" E
				23.72'



DAVIS CIRCLE
(50' PUBLIC R.O.W.)

OWNER OF RECORD:
CITY OF HUNTSVILLE
P.O. BOX 308
HUNTSVILLE, AL 35804
(NO DEED FOUND)

VILLE-
ISON
INITY
LC
ARY

N 28°50'33" E 90.25'
S 28°19'14" W 95.80'
S 82°05'17" E 374.25'

PROPOSED
BUILDINGS

PROPERTY LINE

10.00'

SS

SS

SS

SS

SS

SHEET 1 OF 1 EXHIBIT DRAWING - EASEMENT VACATION

PROJ. NO. 22613.H0
DRAWN BY: WHG
CHECKED BY: BTP

DATE: 09.14.2023
SCALE: 1" = 40'

LOT 1 OF VISTA AT COUNCIL SQUARE PH II
PORTION OF UTILITY & DRAINAGE EASEMENTS TO BE VACATED LYING WITHIN
LOT 1 OF VISTA AT COUNCIL SQUARE PHASE II (PB 2023, PG 140)
DAVIS CIRCLE SW, HUNTSVILLE, AL 35801 (A.K.A. "PARK PLACE")
CITY OF HUNTSVILLE MADISON COUNTY, ALABAMA
SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST

Civil Engineering | Land Surveying | Landscape Architecture
Environmental | Water Resources | Laser Scanning & Modeling

SCHUBERT

1001 22nd Street South
Birmingham, Alabama 35205
205.323.6166
101 Washington St. SE
Huntsville, Alabama 35801
256.337.1221

Ordinance No. 25-_____ (Cont.)

ADOPTED this the 9th day of January, 2025.

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

APPROVED this the 9th day of January, 2025.

Mayor of the City of
Huntsville, Alabama