



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/10/2025

File ID: TMP-5724

Department: Planning

Subject:

Type of Action: Approval/Action

Resolution to set a public hearing on the vacation of a portion of a right-of-way at 612 McKinley Avenue NE, Lots 2-13, Block 7; and, the introduction of a Resolution consenting to; and, the introduction of an Ordinance vacating the right-of-way pertaining thereto. (Set August 14, Regular Council Meeting).

Resolution No.

Resolution No.

Ordinance No.

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: July 16, 23, 30, and August 6

Finance Information:

Account Number: TBD

City Cost Amount: NA

Total Cost: NA

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location:

Address: Jackson Way Baptist Church

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

Additional Comments:

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That **Jackson Way Baptist Church**, is the sole landowner abutting the property hereinafter described, submitted an application for the vacation of a portion of a Right-of-way being and lying in Madison County, and being more particularly described as follows (the "Right-of-way" or the "Property"):

SEE EXHIBIT "A" - "DECLARATION OF VACATION OF RIGHT-OF-WAY"

SEE EXHIBIT "B"- "PUBLIC HEARING NOTICE"

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-way at Huntsville City Hall in the Council Chamber, located at 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, August 14, 2025; and

3. That notice of the vacation of the Right-of-way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the City Clerk is hereby ordered to have public hearing notice contained in Exhibit "B" attached hereto ("Public Notice"), immediately published in *The Speakin' Out News* for four consecutive weeks, with said notice to run beginning on July 16, July 23, July 30 and August 6, 2025.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 10th day of July, 2025.

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

APPROVED this the 10th day of July, 2025.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned,
David Stetson, desiring to vacate that certain right-of-way hereinafter described,
say, as follows:

1. That the said Owner is the owners of all the land abutting the
hereinafter described right-of-way; and

2. WHEREAS, convenient and adequate means of ingress and egress are
available to the owners of all surrounding property; and

3. WHEREAS, the said right-of-way, hereinafter described, is situated
within the corporate limits of the City of Huntsville, Alabama, and was heretofore
dedicated to said City; and

4. WHEREAS, the undersigned, by this instrument, declare their intent
to vacate the said right-of-way, hereinafter described; and

NOW THEREFORE, the undersigned, as the owners of all property abutting
the said right-of-way hereinafter described, does hereby petition and urge that the City
Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-
of-way vacated, as follows:

Vacate the right-of-way on Exhibit "A" as attached hereto.

IN WITNESS WHEREOF, the undersigned owners of all property abutting
said easement hereinabove described, have caused this instrument to be executed, on this
22 day of June, 2025.

Paul Stetson, trustee
Jackson Way Baptist Church

STATE OF ALABAMA)
COUNTY OF MADISON)

Given under my hand and official seal of office this the 22nd day of June, 2025

Doris J. Zimmerle
Notary Public
My Commission Expires 2-21-2028

STATE OF ALABAMA)
COUNTY OF MADISON)

Exhibit "A"

VACATION OF RIGHT-OF-WAY AS FOLLOWS:

Being located in the 7th Block of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama and being more particularly described as beginning at the Northeast Corner of Lot 8, Block 7 of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, West along the north boundaries of Lots 8, 9, 10, 11, 12 and 13, Block 7 of said subdivision 278 feet to a point that lies 4 feet east of the Northwest Corner of Lot 13, Block 7 of said subdivision; thence Northeasterly 16.50 feet to a point located at the Southwest Corner of Lot 2, Block 7 of said subdivision; thence East along the south boundaries of Lots 2, 3, 4, 5, 6 and 7, Block 7 of said subdivision 274 feet to a point located at the Southeast Corner of Lot 7, Block 7 of said subdivision; thence South 16 feet back to the Point of Beginning and containing 0.10 Acres, more or less.

(Public Hearing Notice to be Published)

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, August 14, 2025.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of a portion of a Right-of-way which is located at Lots 2-13, Block 7, 612 McKinley Avenue, Huntsville, Alabama, which is more particularly described as follows:

Legal Description of Right-of-Way

STATE OF ALABAMA
MADISON COUNTY

Being located in the 7th Block of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama and being more particularly described as beginning at the Northeast Corner of Lot 8, Block 7 of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, West along the north boundaries of Lots 8, 9, 10, 11, 12 and 13, Block 7 of said subdivision 278 feet to a point that lies 4 feet east of the Northwest Corner of Lot 13, Block 7 of said subdivision; thence Northeasterly 16.50 feet to a point located at the Southwest Corner of Lot 2, Block 7 of said subdivision; thence East along the south boundaries of Lots 2, 3, 4, 5, 6 and 7, Block 7 of said subdivision 274 feet to a point located at the Southeast Corner of Lot 7, Block 7 of said subdivision; thence South 16 feet back to the Point of Beginning and containing 0.10 Acres, more or less.

This property is subject to any existing easements and rights-of-way whether or not recorded in the public records and shall henceforth, upon vacation of said right-of-way, be converted to a Utility and Drainage Easement.

This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities known to have facilities or equipment within the public Right-of-way of the street to be vacated, as their names and addresses appear on roll in the Madison County Revenue Commissioner's office or Madison County Tax Assessor's office, and shall be posted at the Madison County Courthouse and at Huntsville City Hall. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 305 Fountain Circle, 4th Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That **JACKSON WAY BAPTIST CHURCH**, is the sole landowner abutting the property hereinafter described, made application for the vacation of that certain portion of Right-of-Way more particularly described as follows (the "Right-of-Way" or the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

2. That notice of the vacation of the portion of the Right-of-Way has been given as required by Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, and a public hearing held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the designated Right-of-Way and all public rights therein, convenient and reasonable means of ingress and egress to and from the respective property will be afforded to all property owners owning property in or near the Right-of-Way by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the designated Right-of-Way and that the vacation of the designated Right-of-Way is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of the Right-of-Way as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the Right-of-Way. Title and all public rights shall vest in the abutting landowners, Huntsville Housing Authority.

6. That upon vacation of said right-of-way, this property shall be converted to a Utility and Drainage Easement.

7. That notice of this resolution shall be published in The Speakin' Out News no later than fourteen (14) days from the date hereof.

NOW THEREFORE, be it resolved by the City Council of the City of Huntsville that they do hereby assent to the said vacation of the herein described Right-of-Way and the same is hereby vacated and annulled and all public rights therein divested of the Property.

ADOPTED this the 14th day of August, 2025.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 14th day of August, 2025.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Legal Description of Right-of-Way

STATE OF ALABAMA COUNTY OF MADISON

Being located in the 7th Block of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama and being more particularly described as beginning at the Northeast Corner of Lot 8, Block 7 of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, West along the north boundaries of Lots 8, 9, 10, 11, 12 and 13, Block 7 of said subdivision 278 feet to a point that lies 4 feet east of the Northwest Corner of Lot 13, Block 7 of said subdivision; thence Northeasterly 16.50 feet to a point located at the Southwest Corner of Lot 2, Block 7 of said subdivision; thence East along the south boundaries of Lots 2, 3, 4, 5, 6 and 7, Block 7 of said subdivision 274 feet to a point located at the Southeast Corner of Lot 7, Block 7 of said subdivision; thence South 16 feet back to the Point of Beginning and containing 0.10 Acres, more or less.

This property is subject to any existing easements and rights-of-way whether or not recorded in the public records and shall henceforth, upon vacation of said right-of-way, be converted to a Utility and Drainage Easement.

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 certain right-of-way; that the applicant has represented to the City of Huntsville that **Jackson Way Baptist Church**, is the owner of the property across which said right-of-way lies; that said right-of-way, or the portions 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 right-of-way hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other good and valuable considerations paid to **CITY OF HUNTSVILLE, AN ALABAMA MUNICIPAL CORPORATION**, Grantor, in hand paid by **JACKSON WAY BAPTIST CHURCH**, Grantee, the receipt of which is hereby acknowledged, the said Grantor hereby remises, releases, quitclaims and conveys unto the said Grantee, all of said Grantor's right, title, interest and claim, in and to the following described real estate, situated in Madison County, Alabama, to-wit:

Vacate the right-of-way as stated on Exhibit "A" attached hereto and convert all of the vacated right-of-way into a public utility and drainage easement.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs and assigns of said Grantees forever.

IN TESTIMONY WHEREOF, the Grantor has caused this instrument to be executed on the 14th day of August, 2025.

CITY OF HUNTSVILLE, A MUNICIPAL
CORPORATION IN THE STATE OF ALABAMA

By: _____
TOMMY BATTLE
AS ITS MAYOR

ATTEST:

SHAUNDRIKA EDWARDS
AS CITY CLERK

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that before me personally appeared **TOMMY BATTLE AND SHAUNDRIKA EDWARDS**, whose names as **MAYOR AND CITY CLERK, RESPECTIVELY, OF THE CITY OF HUNTSVILLE, ALABAMA, A MUNICIPAL CORPORATION**, are signed to the foregoing Quitclaim Deed, 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 for and as the act of said Municipal corporation on the date the same bears date.

Given under my hand and seal this the 14th day of August, 2025

Notary Public
My Commission Expires:_____

The Grantor does hereby attest, to the best of Grantor's knowledge and belief that the information contained in this document, including the purchase price which can be verified by tax assessment, is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in Code of Alabama (1975) 40-22-1 (h).

Grantor address:
City of Huntsville
305 Fountain Circle, Huntsville, AL 35801

Grantees' address:
Jackson Way Baptist Church
1001 Andrew Jackson Way NE Huntsville, AL 35801

Value \$1.00
Date of transfer: August 14, 2025

This Instrument Prepared By:
Lenn Knight
Jackson Way Baptist Church
1001 Andrew Jackson Way NE
Huntsville, Alabama 35801
(256) 539-5729

STATE OF ALABAMA)
COUNTY OF MADISON)

Exhibit "A"

VACATION OF RIGHT-OF-WAY AS FOLLOWS:

Being located in the 7th Block of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama and being more particularly described as beginning at the Northeast Corner of Lot 8, Block 7 of A Resubdivision of Blocks 2-3-4-5-6-7-8 & 9 of the East Huntsville Addition to the City of Huntsville, Alabama recorded in Plat Book 1, Page 191 in the Office of the Judge of Probate, Madison County, Alabama; thence from the Point of Beginning, West along the north boundaries of Lots 8, 9, 10, 11, 12 and 13, Block 7 of said subdivision 278 feet to a point that lies 4 feet east of the Northwest Corner of Lot 13, Block 7 of said subdivision; thence Northeasterly 16.50 feet to a point located at the Southwest Corner of Lot 2, Block 7 of said subdivision; thence East along the south boundaries of Lots 2, 3, 4, 5, 6 and 7, Block 7 of said subdivision 274 feet to a point located at the Southeast Corner of Lot 7, Block 7 of said subdivision; thence South 16 feet back to the Point of Beginning and containing 0.10 Acres, more or less.

Ordinance No. 25-_____ (Cont.)

ADOPTED this the 14th day of August, 2025.

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

APPROVED this the 14th day of August, 2025.

Mayor of the City of
Huntsville, Alabama