



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 12/15/2022

**File ID:** TMP-2378

---

**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a utility and drainage easement and a ingress-egress easement, Lots 1 & 2, Sunset on Green Mountain Phase 2 Subdivision.

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:**

**Address:** Lots 1 & 2, Sunset on Green Mountain Phase 2 Subdivision

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

**Additional Comments:**

This item will need to be published after approval by City Council.

**ORDINANCE NO. 22-\_\_\_\_\_**

**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 and an ingress-egress easement; that the applicant has represented to the City of Huntsville that **Woodland Homes of Huntsville, Inc.**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA  
COUNTY OF MADISON

QUIT CLAIM DEED

**KNOW ALL MEN BY THESE PRESENT**, that the undersigned **CITY OF HUNTSVILLE**, an Alabama Municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by **WOODLAND HOMES OF HUNTSVILLE, INC.**, an Alabama corporation, hereinafter referred to as Grantee, and other good and valuable considerations, 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:

A PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E.) more particularly described as:

A LOT OR PARCEL OF LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10 OF TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON PIN LYING ON THE WEST RIGHT-OF-WAY MARGIN OF WILLOW DRIVE (PUBLIC ROW VARIES) AND ALSO MARKING THE NORTHEAST CORNER OF LOT 1A, OF THE FINAL PLAT OF SUNSET ON GREEN MOUNTAIN PHASE 2, AS RECORDED IN PLAT BOOK 2022 PAGE 359 IN THE OFFICE OF THE JUDGE PROBATE OF MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF N: 1,499,880.72' E: 450,437.79'; THENCE, LEAVING SAID MARGIN, NORTH 89 DEGREES 36 MINUTES 10 SECONDS WEST, 18.52 FEET TO A POINT; THENCE SOUTH 00 DEGREES 23 MINUTES 50 SECONDS WEST, 5.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 79 DEGREES 27 MINUTES 00 SECONDS WEST, 12.76 FEET TO A POINT; THENCE SOUTH 16 DEGREES 43 MINUTES 48 SECONDS EAST, 18.21 FEET TO A POINT; THENCE NORTH 89 DEGREES 29 MINUTES 27 SECONDS WEST, 34.57 FEET TO A POINT; THENCE SOUTH 00 DEGREES 26 MINUTES 05 SECONDS EAST, 84.67 FEET TO A POINT; THENCE NORTH 89 DEGREES 36 MINUTES 54 SECONDS WEST, 269.06 FEET TO A POINT; THENCE NORTH 14 DEGREES 48 MINUTES 54 SECONDS WEST, 6.79 FEET TO A POINT; THENCE NORTH 20 DEGREES 34 MINUTES 07 SECONDS WEST, 3.69 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 SECONDS 54 SECONDS EAST, 257.01 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 05 SECONDS WEST, 94.43 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 MINUTES 10 SECONDS EAST, 57.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.11 ACRES (4,763 SQUARE FEET), MORE OR LESS.

*And also:*

AN INGRESS/EGRESS EASEMENT more particularly described as:

A LOT OR PARCEL OF LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10 OF TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN LYING ON THE WEST RIGHT-OF-WAY MARGIN OF WILLOW DRIVE (PUBLIC ROW VARIES) AND ALSO MARKING THE NORTHEAST CORNER OF LOT 1A, OF THE FINAL PLAT OF SUNSET ON GREEN MOUNTAIN PHASE 2, AS RECORDED IN PLAT BOOK 2022 PAGE 359 IN THE OFFICE OF THE JUDGE PROBATE OF MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF N: 1,499,880.72' E: 450,437.79'; THENCE, ALONG SAID WEST MARGIN, SOUTH 13 DEGREES 43 MINUTES 51 SECONDS EAST, 1.39 FEET TO A POINT; THENCE, LEAVING SAID WEST MARGIN, SOUTH 79 DEGREES 27 MINUTES 00 SECONDS WEST, 31.97 FEET TO A POINT; THENCE SOUTH 16 DEGREES 43 MINUTES 48 SECONDS EAST, 23.41 FEET TO A POINT; THENCE NORTH 89 DEGREES 33 MINUTES 22 SECONDS WEST, 31.03 FEET TO A POINT; THENCE SOUTH 00 DEGREES 26 MINUTES 05 SECONDS EAST, 74.65 FEET TO A POINT; THENCE NORTH 89 DEGREES 36 MINUTES 54 SECONDS WEST, 20.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 05 SECONDS WEST, 104.43 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 MINUTES 10 SECONDS EAST, 75.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.07 ACRES (3,028 SQUARE FEET), MORE OR LESS.

**\*ABOVE DESCRIBED EASEMENTS BEING ATTACHED IN EXHIBIT A-1,A-2,A-3 FOR REFERENCE\***

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

**IN WITNESS WHEREOF**, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this the 15th day of December, 2022.

**CITY OF HUNTSVILLE, ALABAMA**  
**a municipal corporation**

**BY:** \_\_\_\_\_  
**TOMMY BATTLE, MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**KENNETH BINION**  
**CLERK-TREASURER**

**STATE OF ALABAMA**  
**COUNTY OF MADISON**

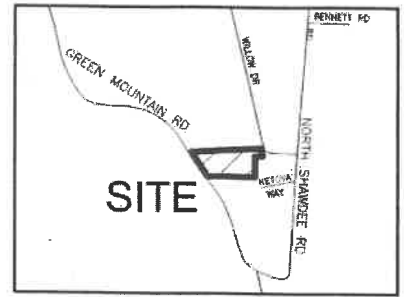
I, the undersigned, a notary public in and for said County, in said State hereby certify that **TOMMY BATTLE AND KENNETH BINION**, whose names as **MAYOR** and **CITY CLERK-TREASURER**, respectively, of **THE CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation are signed to the foregoing document, and who are know 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 corporation on the day the same bears day.

**GIVEN** under my hand and official seal this the 15th day of December, 2022.

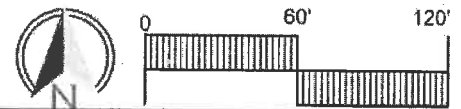
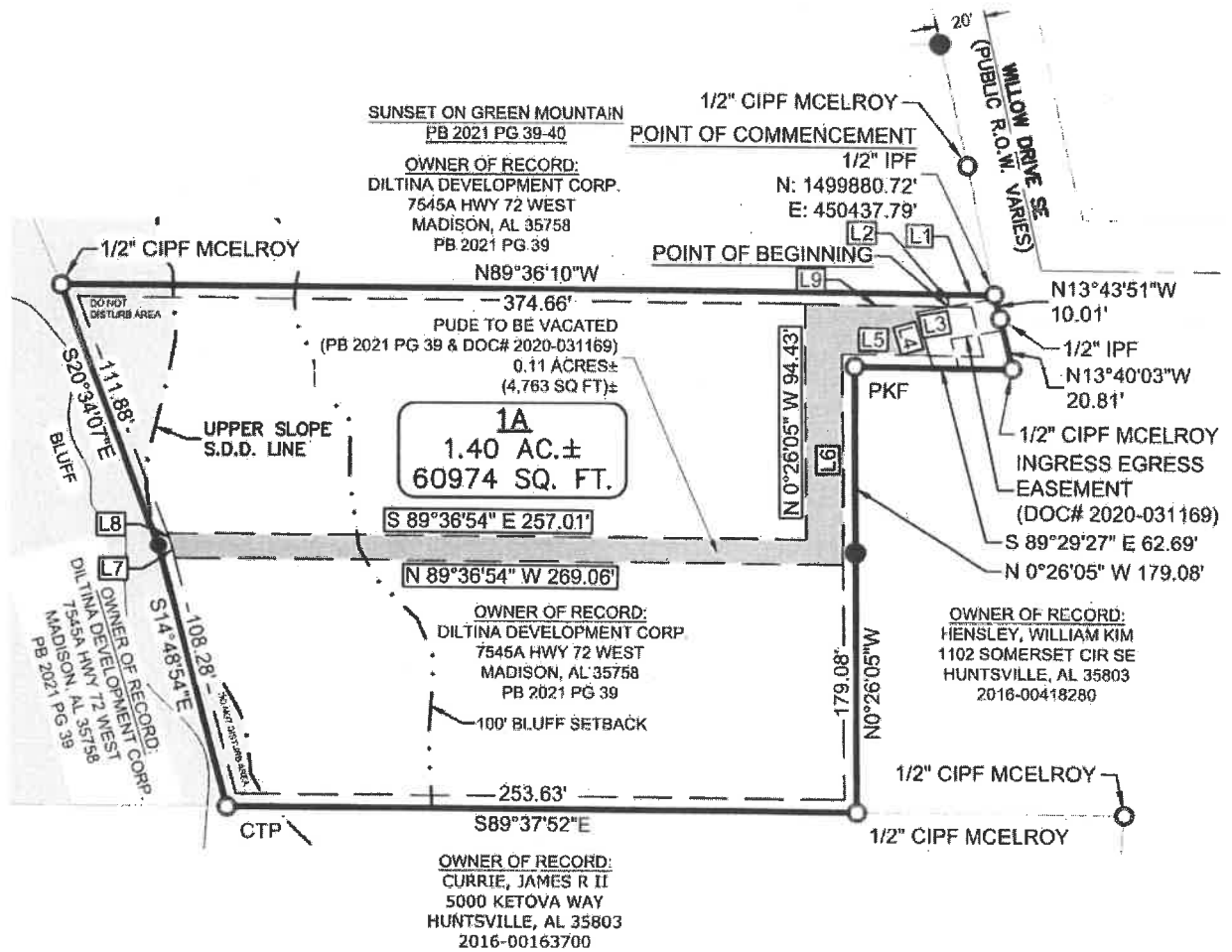
\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:  
JUSTIN G. SOUTH  
WOLFE, JONES, WOLFE,  
HANCOCK, DANIEL & SOUTH, LLC  
905 BOB WALLACE AVE.  
HUNTSVILLE, ALABAMA 35801  
256-534-2205

LINE TABLE		
NUMBER	LENGTH	DIRECTION
L1.	18.52'	N 89°36'10" W
L2	5.00'	S 0°23'50" W
L3	12.76'	S 79°27'00" W
L4	10.21'	S 16°43'48" E
L5	34.57'	N 89°29'27" W
L6	84.67'	S 0°26'05" E
L7	6.79'	N 14°48'54" W
L8	3.69'	N 20°34'07" W
L9	57.03'	S 89°36'10" E



VICINITY MAP  
(NOT TO SCALE)



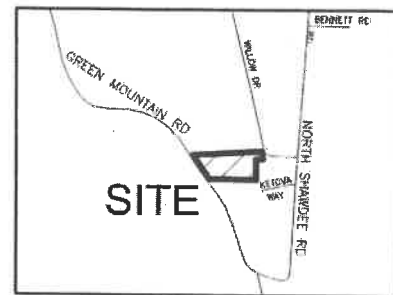
DRAWN BY: JCB/ANB  
FIELD CREW: BJ  
FIELD DATE: 03.04.21  
OFFICE DATE: 10.14.21  
CHECKED BY: ASM  
SHEET: 1 OF 1  
JOB NO: 21.247

PUDE EASEMENT VACATION EXHIBIT  
**LOT 1A EASEMENT VACATION**  
 SUNSET ON GREEN MOUNTAIN PHASE 2  
 SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST

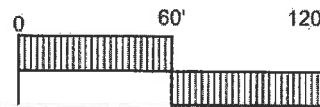
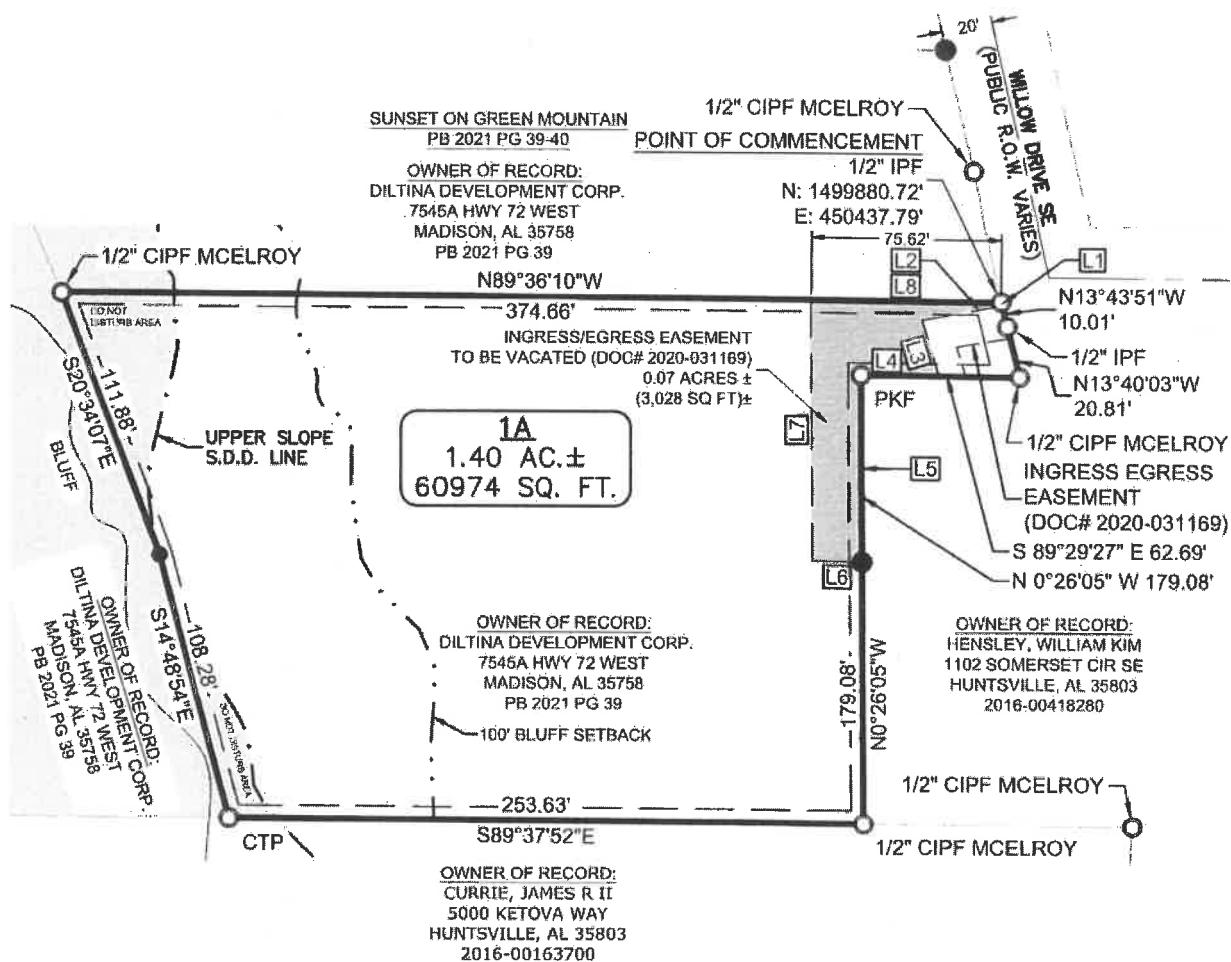
**2<sup>ND</sup> POINT SURVEYING**

# EXHIBIT A-2

LINE TABLE		
NUMBER	LENGTH	DIRECTION
L1	1.39'	S 13°43'51" E
L2	31.97'	S 79°27'00" W
L3	23.41'	S 16°43'48" E
L4	31.03'	N 89°33'22" W
L5	74.65'	S 0°26'05" E
L6	20.00'	N 89°36'54" W
L7	104.43'	N 0°26'05" W
L8	75.62'	S 89°36'10" E

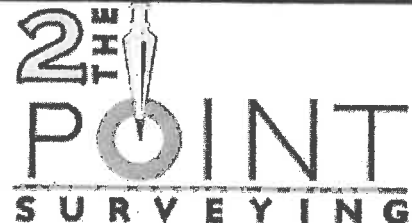


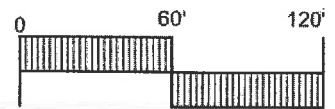
VICINITY MAP  
(NOT TO SCALE)



DRAWN BY: JCB/ANB  
FIELD CREW: BJ  
FIELD DATE: 03.04.21  
OFFICE DATE: 10.14.22  
CHECKED BY: ASM  
SHEET: 1 OF 1  
JOB NO: 21.247

INGRESS/EGRESS EASEMENT VACATION EXHIBIT  
**LOT 1A EASEMENT VACATION**  
SUNSET ON GREEN MOUNTAIN PHASE 2  
SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST





EASEMENT VACATION POST CONDITION EXHIBIT  
**LOT 1A EASEMENT VACATION**  
 SUNSET OFF GREEN MOUNTAIN PHASE 2  
 SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST

**2<sup>ND</sup> POINT SURVEYING**

**Ordinance No. 22-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 15th day of December, 2022.

---

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

**APPROVED** this the 15th day of December, 2022.

---

Mayor of the City of  
Huntsville, Alabama