



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 2/9/2023

File ID: TMP-2541

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, 0 Stax Street, MidCity Subdivision, Phase 7, (Wellory QOZB)

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: 0 Stax Street, MidCity Subdivision.

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

Additional Comments:

ORDINANCE NO. 23-_____

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 **Wellory QOZB, 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:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
WILMER & LEE, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801
(256) 533-0202

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED FOR VACATION OF EASEMENTS

THIS INDENTURE made and entered into on this 9 day of February, 2023, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and WELLORY QOZB LLC, a Delaware limited liability company ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by 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 following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

See Exhibit "A" attached hereto and incorporated herein.

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

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its Clerk-Treasurer, pursuant to Resolution _____, as of this the 9th day of February, 2023.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Kenneth Benion, 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 Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the CITY OF HUNTSVILLE, ALABAMA, a 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 for and as the act of said municipal corporation.

GIVEN under my hand and official seal this the 9th day of February, 2023.

NOTARY PUBLIC
My commission expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.

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: 308 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address: 920 Bob Wallace Ave, Ste. 320, Huntsville, Alabama 35802
Property Address: +/-0.13 acre, +/-0.02 acre, +/-0.04 acre easements in S31, T3S, R1W (easements affecting Lot 4, Block 8 of MidCity Ph. 7)
Purchase Price: N/A

Exhibit "A"
(Legal Description of Vacated Easements)

3 tracts of land lying and being in Section 31, Township 3 South, Range 1 West of the Huntsville Meridian, more particularly described as follows:

Tract 1: Proposed Gas Line Easement Vacation – Deed Book 684, Page 464.

Commencing at the southwest corner of Lot 1 of Block 8 of MidCity Subdivision as recorded in the Office of Judge of Probate for Madison County, Alabama in Instrument 2019-00013667; thence along the south boundary of said Lot 1 North 89 Degrees 41 Minutes 23 Seconds East a distance of 384.48 feet to the point of curvature of a curve to the right, having a radius of 331.50 feet, the chord of which is South 87 Degrees 05 Minutes 55 Seconds East for a distance of 37.14 feet, thence along the arc of said curve 37.16 feet to the point of tangency of said curve; thence South 83 Degrees 53 Minutes 14 Seconds East a distance of 58.53 feet to a #5 rebar with a cap Stamped "GARVER LLC CA-445-6S" (TYPICAL) set; thence leaving said south boundary of Lot 1 North 4 Degrees 21 Minutes 02 Seconds East a distance of 5.00 feet to a #5 rebar set on the west boundary of an existing gas line easement as recorded in the Office of Judge of Probate for Madison County, Alabama in Deed Book 648, Page 464, said point being the Point of Beginning of the herein described tract; having established grid coordinates of (N)1542517.43, (E)406940.05 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83).

Thence along said west boundary of existing easement North 4 Degrees 21 Minutes 02 Seconds East a distance of 208.23 feet to a #5 rebar set; thence North 19 Degrees 48 Minutes 19 Seconds West a distance of 126.02 feet to a #5 rebar set; thence leaving said west South 89 Degrees 53 Minutes 33 Seconds East a distance of 21.27 feet to a #5 rebar set on the east boundary of said existing easement; thence along said east boundary of existing easement South 19 Degrees 48 Minutes 19 Seconds East a distance of 110.20 feet to a #5 rebar set; thence South 4 Degrees 34 Minutes 30 Seconds West a distance of 224.67 feet to a #5 rebar set; thence leaving said east boundary of easement North 83 Degrees 53 Minutes 14 Seconds West a distance of 13.86 feet to the Point of Beginning.

The above described tract contains 0.13 acres (5453.62 sq. ft.), more or less.

Tract 2: Proposed Easement Vacation

Commencing at the southwest corner of Lot 1 of Block 8 of MidCity Subdivision as recorded in the Office of Judge of Probate for Madison County, Alabama in Instrument 2019-00013667; thence along the south boundary of said Lot 1 North 89 Degrees 41 Minutes 23 Seconds East a distance of 384.48 feet to the point of curvature of a curve to the right, having a radius of 331.50 feet, the chord of which is South 87 Degrees 05 Minutes 55 Seconds East for a distance of 37.14 feet, thence along the arc of said curve 37.16 feet to the point of tangency of said curve; thence South 83 Degrees 53 Minutes 14 Seconds East a distance of 58.53 feet to a #5 rebar with a cap Stamped "GARVER LLC CA-445-6S" (TYPICAL) set; thence leaving said south boundary of Lot 1 North 4 Degrees 21 Minutes 02 Seconds East a distance of 5.00 feet to a #5 rebar set; thence South 83 Degrees 53 Minutes 14 Seconds East a distance of 13.86 feet to a #5 rebar set; thence North 4 Degrees 34 Minutes 30 Seconds East a distance of 224.67 feet to a #5 rebar set and said point being the Point of Beginning of herein described tract; having

established grid coordinates of (N)1542739.90, (E)406971.76 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83).

Thence North 19 Degrees 48 Minutes 07 Seconds West a distance of 3.42 feet to a #5 rebar set; thence North 4 Degrees 30 Minutes 42 Seconds East a distance of 81.54 feet to a #5 rebar set; thence North 89 Degrees 53 Minutes 24 Seconds West a distance of 42.86 feet to a #5 rebar set; thence North 0 Degrees 47 Minutes 36 Seconds East a distance of 19.10 feet to a #5 rebar set; thence South 89 Degrees 53 Minutes 19 Seconds East a distance of 35.11 feet to a #5 rebar set; thence South 0 Degrees 00 Minutes 00 Seconds West a distance of 10.60 feet to a #5 rebar set; thence South 85 Degrees 49 Minutes 28 Seconds East a distance of 9.64 feet to a #5 rebar set; thence South 4 Degrees 34 Minutes 30 Seconds West a distance of 92.61 feet and to the Point of Beginning.

The above described tract contains 0.02 acres (870.07 sq. ft.), more or less.

Tract 3: Proposed Easement Vacation

Commencing at the southwest corner of Lot 1 of Block 8 of MidCity Subdivision as recorded in the Office of Judge of Probate for Madison County, Alabama in Instrument 2019-00013667; thence along the west boundary of said thence North 0 Degrees 18 Minutes 37 Seconds West a distance of 40.27 feet to a #5 rebar with a cap Stamped "GARVER LLC CA-445-6S" (TYPICAL) set; thence leaving said west boundary South 90 Degrees 00 Minutes 00 Seconds East a distance of 5.00 feet to a #5 rebar set, said point being the Point of Beginning of herein described tract; having established grid coordinates of (N)1542558.50, (E)406464.69 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83).

Thence North 0 Degrees 18 Minutes 37 Seconds West a distance of 149.33 feet to a #5 rebar set; thence North 89 Degrees 45 Minutes 52 Seconds East a distance of 5.27 feet to a #5 rebar set; thence North 0 Degrees 18 Minutes 07 Seconds West a distance of 136.64 feet to a #5 rebar set; thence South 89 Degrees 53 Minutes 24 Seconds East a distance of 3.80 feet to a #5 rebar set; thence South 0 Degrees 18 Minutes 37 Seconds East a distance of 285.93 feet to a #5 rebar set; thence South 89 Degrees 41 Minutes 23 Seconds West a distance of 9.07 feet and to the Point of Beginning.

The above described parcel contains 0.04 acres (1872.3W6 sq. ft.), more or less.

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 9th day of February, 2023.

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

APPROVED this the 9th day of February, 2023 .

Mayor of the City of
Huntsville, Alabama