



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/10/2023

File ID: TMP-3222

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 1B, The Market at Hays Farm. (Branch Hays Farm OP Associates)

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: The Market at Hays Farm

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 **Branch Hays Farm OP Associates, LP**, 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:

PREPARED BY:
Brian P. Cain, Esq.
Holt Ney Zetcoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, GA 30339
(770) 956-9600

STATE OF ALABAMA
COUNTY OF MADISON

QUITCLAIM RELEASE DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the **CITY OF HUNTSVILLE**, an Alabama municipal corporation, ("**Grantor**"), in hand paid by **BRANCH HAYS FARM OP ASSOCIATES, LP**, a Delaware limited partnership ("**Grantee**"), the receipt whereof is hereby acknowledged, Grantor does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the real estate situated in the County of Madison, State of Alabama and being more particularly described in **Exhibit "A"** attached hereto and incorporated herein and being depicted in **Exhibit "B"** attached hereto and incorporated herein ("**Property**"), to-wit:

TO HAVE AND TO HOLD the same unto the said Grantee, and to its heirs, successors and assigns, so that neither Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to _____ No: _____, as of this _____ day of _____, 2023.

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

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 Mayor and City Clerk, respectively, 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 _____ day of _____, 2023.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT "A"

(Easement No. 1 [Lot 1B] being Vacated)

EASEMENT 1

STATE OF ALABAMA
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1B THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 2 AS RECORDED IN INSTRUMENT NUMBER 2021-00080854 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 23 DEGREES 15 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 38.84 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 216.63 FEET TO A POINT; THENCE, NORTH 11 DEGREES 42 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 10.21 FEET TO A POINT; THENCE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 217.24 FEET TO A POINT; THENCE, SOUTH 08 DEGREES 19 MINUTES 46 SECONDS EAST A DISTANCE OF 10.11 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.05 ACRES (2169 SQUARE FEET) MORE OR LESS.

EXHIBIT B
(Plat of Easement being Released)
(2 pages attached)



Ordinance No. 23-_____ (Cont.)

ADOPTED this the 10th day of August, 2023.

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

APPROVED this the 10th day of August, 2023.

Mayor of the City of
Huntsville, Alabama