



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 11/7/2024

File ID: TMP-4789

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 7, Block 3, Hillwood Estates. (Caruso)

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: 11206 Maplecrest Drive SE

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

Additional Comments:

ORDINANCE NO. 24-_____

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 portion of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Royce H. Caruso and wife, Lynn K. Hathaway-Caruso**, are the owners 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

THIS INDENTURE is made and entered into on this the _____ day of _____, 2024, by and between **CITY OF HUNTSVILLE**, an Alabama Municipal Corporation (hereinafter referred to as "Grantor") and **ROYCE H. CARUSO and wife, LYNN K. HATHAWAY-CARUSO**, (hereinafter referred to as "Grantees").

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid by the Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and grant unto Grantees, all of the Grantor's right, title, interest and claim in or to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

ALL THAT PART OF LOT 7, BLOCK 3 OF HILLWOOD ESATES, PART B AS RECORDED IN PLAT BOOK 3, PAGE 16 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 1" OPEN-TOP IRON PIPE FOUND AT THE SOUTHEAST CORNER OF SAID LOT 7, BLOCK 3; THENCE, FROM THE POINT OF COMMENCEMENT, ALONG MAPLECREST DRIVE, N 17°43'33" W A DISTANCE OF 5.00' TO A POINT ON THE NORTHERLY MARGIN OF A FIVE-FOOT UTILITY AND DRAINAGE EASEMENT THAT RUNS ALONG THE SOUTH BOUNDARY OF SAID LOT 7; THENCE, ALONG SAID EASEMENT, S 72°16'04" W A DISTANCE 114.31' TO A POINT ON THE NORTHEASTERLY MARGIN OF A SEVEN AND A HALF-FOOT UTILITY AND DRAINAGE EASEMENT THAT RUNS ALONG THE REAR BOUNDARY OF SAID LOT 7; THENCE ALONG SAID

EASEMENT, N 66°22'55" W A DISTANCE OF 20.42' TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED: THENCE, FROM THE POINT OF BEGINNING, S 23°23'59" W A DISTANCE OF 2.50' TO A POINT; THENCE N 66°22'55" W A DISTANCE OF 39.70' TO A POINT; THENCE N 23°23'59" E A DISTANCE OF 2.50' TO THE NORTHEASTERLY MARGIN OF SAID EASEMENT; THENCE, ALONG SAID MARGIN, S 66°22'55" E A DISTANCE OF 39.70' TO THE POINT OF BEGINNING, CONTAINING 99.3 SQUARE FEET, OR 0.002 ACRES, MORE OR LESS, ACCORDING TO A SURVEY BY HILL LAND SURVEYING, INC., DATED SEPTEMBER 13, 2024.

**NO TITLE OPINION REQUESTED, NO OPIONION RENDERED
LEGAL DESCRIPTION PROVIDED BY GRANTEE.**

TO HAVE AND TO HOLD unto the said Grantees, their heirs assigns forever. Subject to any and all mortgages and liens.

IN WITNESS WHEREOF, Tommy Battle, Mayor of the City of Huntsville, Alabama, has hereunto set his hand and official seal of the City of Huntsville, Alabama, on this the _____ day of _____, 2024.

**CITY OF HUNTSVILLE, ALABAMA,
A Municipal Corporation**

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards
City Clerk

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned Notary Public in and for said County and State, hereby certify that **Tommy Battle and Shaundrika Edwards**, whose names as Mayor and City Clerk respectively, of the City of Huntsville, Alabama, 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 the conveyance, they, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal on this the _____ day
of _____, 2024.

NOTARY PUBLIC
My Commission Expires: _____

Pursuant to and in accordance with §40-22-1, *Code of Alabama* (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: **11206 Maplecrest Drive, Huntsville, AL 35803**
 Grantee's Address: **308 Fountain Circle, Huntsville, AL 35801**
 Property Address: **11206 Maplecrest Drive, Huntsville, AL 35803**
 Purchase Price: **N/A – Vacation of City Easement**

THIS INSTRUMENT PREPARED BY:
Ray Uhrig, Attorney At Law -- UHRIG LAW FIRM
2707 Artie Street, SW, Suite 7, Huntsville, Alabama 35805
(256) 539-4529 – Ray@Uhriglaw.com

Ordinance No. 24-_____ (Cont.)

ADOPTED this the 7th day of November, 2024.

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

APPROVED this the 7th day of November, 2024.

Mayor of the City of
Huntsville, Alabama