



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 11/17/2022

**File ID:** TMP-2317

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Sanitary Sewer Easement at The Cottages at Oak Grove Dairy, 0 Green Cove Road. (Oak Grove Dairy)

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:** The Cottages at Oak Grove Dairy

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

**Additional Comments:**

**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 sanitary sewer easement; that the applicant has represented to the City of Huntsville that **Cottages at Oak Grove Dairy, 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 deeds being substantially in words and figures as follows, to-wit:

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(Space Above Line for Use by Recording Office)

**THIS INSTRUMENT PREPARED BY:**

Y. Albert Moore, III  
LANIER FORD SHAVER & PAYNE P.C.  
2101 West Clinton Ave., Ste. 102  
Huntsville, Alabama 35805  
(256) 535-1100

**QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into on this 17th day of November, 2022 by and between the CITY OF HUNTSVILLE, an Alabama municipal corporation, ("Grantor") and COTTAGES AT OAK GROVE DAIRY, LLC, an Alabama limited liability company ("Grantee").

**WITNESSETH:**

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash and other good and valuable consideration, this day in hand paid to the Grantor by the Grantee, the receipt and sufficiency of all of which is hereby expressly acknowledged by the Grantor, the Grantor has this day remised, released, quitclaimed, conveyed and confirmed and does, by these presents, remise, release, quitclaim, convey and confirm, 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 LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A", AND GRAPHICAL  
DEPICTION ATTACHED HERETO AS EXHIBIT "B"

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

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, PO Box 308, Huntsville, Alabama 35801
Grantee's Address:	6632 32nd Place NW Washington, DC 20015
Property Address:	Oak Dairy Lane SW at intersection of US Highway 231/Memorial Parkway SW
Tax Parcel ID No.	23-04-18-0-002-090.000 (portion)
Purchase Price:	N/A

[signature page to follow]

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed on its behalf by its Mayor and attested by its Clerk-Treasurer, this the 17th day of November, 2022.

CITY OF HUNTSVILLE, ALABAMA,  
a 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 the above 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 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 for and as the act of said municipal corporation.

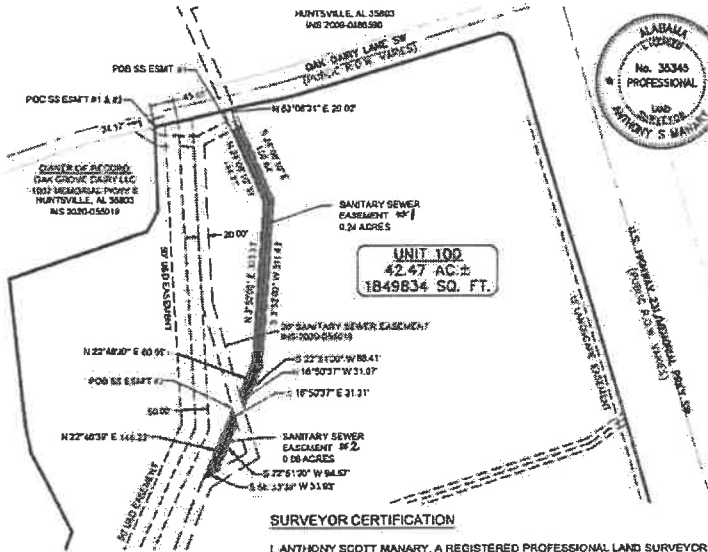
Given under my hand this the 17 day of November, 2022.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

THIS INFORMATION WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION AND ISSUED NO TITLE OPINION OR TITLE INSURANCE.

# Exhibit "B"

## GRAPHICAL DEPICTION



### SURVEYOR CERTIFICATION

I, ANTHONY SCOTT MANARY, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 2 THE POINT INCORPORATED HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE

23RD DAY OF SEPTEMBER, 2022

ANTHONY SCOTT MANARY PLS #33345

### SANITARY SEWER EASEMENT #1

A LOT OR PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF THE PLAT OF THE COTTAGES AT OAK GROVE DAIRY, AS RECORDED IN DOCUMENT NUMBER 2021-80852 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE, ALONG THE SOUTH RIGHT-OF-WAY MARGIN OF OAK GROVE DAIRY LANE SW (PUBLIC ROW VARIES), NORTH 77 DEGREES 04 MINUTES 25 SECONDS EAST, 132.78 FEET TO A POINT; THENCE, LEAVING SAID MARGIN, SOUTH 24 DEGREES 08 MINUTES 10 SECONDS EAST, 39.76 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 63 DEGREES 08 MINUTES 31 SECONDS EAST, 20.02 FEET TO A POINT; SOUTH 24 DEGREES 08 MINUTES 10 SECONDS EAST, 150.84 FEET TO A POINT; THENCE SOUTH 03 MINUTES 52 MINUTES 00 SECONDS WEST, 311.43 FEET TO A POINT; THENCE SOUTH 22 DEGREES 51 MINUTES 20 SECONDS WEST, 88.41 FEET TO A POINT; THENCE NORTH 16 DEGREES 50 MINUTES 37 SECONDS WEST, 31.07 FEET TO A POINT; THENCE NORTH 22 DEGREES 46 MINUTES 39 SECONDS EAST, 60.35 FEET TO A POINT; THENCE NORTH 03 MINUTES 52 MINUTES 00 SECONDS EAST, 303.33 FEET TO A POINT; THENCE NORTH 24 DEGREES 08 MINUTES 10 SECONDS WEST, 144.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.24 ACRES (10,586 SQ. FT.), MORE OR LESS.

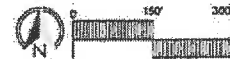
### SANITARY SEWER EASEMENT #2

A LOT OR PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE, FROM THE POINT OF BEGINNING, SOUTH 16 DEGREES 50 MINUTES 37 SECONDS EAST, 31.31 FEET TO A POINT; THENCE SOUTH 22 DEGREES 51 MINUTES 20 SECONDS WEST, 84.57 FEET TO A POINT; THENCE SOUTH 28 DEGREES 33 MINUTES 34 SECONDS WEST, 33.53 FEET TO A POINT; THENCE NORTH 22 DEGREES 46 MINUTES 39 SECONDS EAST, 146.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.06 ACRES (2,386 SQ. FT.), MORE OR LESS.



<b>2 THE POINT</b> INCORPORATED		EASEMENT VACATION THE COTTAGES AT OAK GROVE DAIRY	
		SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST	
DATE OF VACATION: 09/23/2022 BY: ANTHONY S. MANARY, PLS #33345	DATE OF SURVEY: 09/23/2022 BY: ANTHONY S. MANARY, PLS #33345	DATE OF RECORDING: 09/23/2022 BY: ANTHONY S. MANARY, PLS #33345	DATE OF DEED: 09/23/2022 BY: ANTHONY S. MANARY, PLS #33345
SHEET <b>1</b> OF 1			

Exhibit "A"

Legal Description

SANITARY SEWER EASEMENT #1

A LOT OR PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE, FROM THE POINT OF BEGINNING, NORTH 63 DEGREES 08 MINUTES 31 SECONDS EAST, 20.02 FEET TO A POINT; SOUTH 24 DEGREES 08 MINUTES 10 SECONDS EAST, 150.64 FEET TO A POINT; THENCE SOUTH 03 MINUTES 52 MINUTES 00 SECONDS WEST, 311.43 FEET TO A POINT; THENCE SOUTH 22 DEGREES 51 MINUTES 20 SECONDS WEST, 88.41 FEET TO A POINT; THENCE NORTH 16 DEGREES 50 MINUTES 37 SECONDS WEST, 31.07 FEET TO A POINT; THENCE NORTH 22 DEGREES 46 MINUTES 39 SECONDS EAST, 60.95 FEET TO A POINT; THENCE NORTH 03 MINUTES 52 MINUTES 00 SECONDS EAST, 303.33 FEET TO A POINT; THENCE NORTH 24 DEGREES 08 MINUTES 10 SECONDS WEST, 144.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.24 ACRES (10,586 SQ FT), MORE OR LESS.

SANITARY SEWER EASEMENT #2

A LOT OR PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE, FROM THE POINT OF BEGINNING, SOUTH 16 DEGREES 50 MINUTES 37 SECONDS EAST, 31.31 FEET TO A POINT; THENCE SOUTH 22 DEGREES 51 MINUTES 20 SECONDS WEST, 94.57 FEET TO A POINT; THENCE SOUTH 58 DEGREES 33 MINUTES 34 SECONDS WEST, 33.93 FEET TO A POINT; THENCE NORTH 22 DEGREES 46 MINUTES 39 SECONDS EAST, 146.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.06 ACRES (2,396 SQ FT), MORE OR LESS.

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

**ADOPTED** this the 17th day of November, 2022.

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

**APPROVED** this the 17th day of November, 2022.

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Mayor of the City of  
Huntsville, Alabama