



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/22/2024

File ID: TMP-4522

Department: Engineering

Subject:

Type of Action: Approval/Action

Resolution accepting a 0.429 acre of real property for a Temporary Construction Easement from Had Land Equity II, LLC, for the Martin Road Recreation Center Project.

Resolution 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: Martin Road Recreation Center Project

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

Additional Comments:

RESOLUTION NO. 24-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to accept that certain Temporary Construction Easement, by HAD LAND EQUITY II, LLC, as Grantor, and the City of Huntsville, an Alabama municipal corporation, as Grantee, for donation by Grantor to the City of Huntsville of that certain Temporary Construction Easement, consisting of 0.429 acres, more or less, located along Martin Road for the Martin Road Recreation Center Project in Huntsville, Alabama, and being more particularly described in the Temporary Construction Easement attached hereto and incorporated herein (the “Temporary Construction Easement”).

BE IT RESOLVED said Temporary Construction Easement is substantially in words and figures as that certain document attached hereto and identified as “Temporary Construction Easement” consisting of four (4) pages, including Exhibits “A” and “B.”

BE IT FURTHER RESOLVED THAT the City of Huntsville, hereby accepts donation of the Temporary Construction Easement from Grantor and the Mayor is hereby directed and authorized to have said Temporary Construction Easement recorded in the Probate Records of Madison County, an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 22nd day of August, 2024.

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

APPROVED this the 22nd day of August, 2024.

Mayor of the City of Huntsville, Alabama

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
LANIER FORD SHAVER & PAYNE, P.C.
Attorney for Grantee
2101 W. Clinton Ave, Ste. 102
Huntsville, Alabama 35805
256-535-1100

STATE OF ALABAMA

COUNTY OF MADISON

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE is made and entered into on the _____ day of _____, 2024, by and between **HAD LAND EQUITY II, LLC**, a Delaware limited liability company, as the Grantor, and **CITY OF HUNTSVILLE**, a municipal corporation in the State of Alabama, as the Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, cash in hand paid this day by the Grantee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has this day given, granted, bargained, sold, conveyed and confirmed, and by these presents does hereby give, grant, bargain, sell, convey and confirm unto the Grantee, a temporary construction easement over, upon and along the following described tract or parcel of land in the County of Madison, State of Alabama, for the construction of drainage and related improvements to a public detention pond, the temporary construction easement so granted being described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO, as further depicted in Exhibit "B" attached hereto.

THE ABOVE-DESCRIBED TEMPORARY CONSTRUCTION EASEMENT SHALL TERMINATE AND ALL RIGHTS SHALL REVERT TO THE GRANTOR UPON COMPLETION OF THE DETENTION POND PROJECT AND RELATED DRAINAGE IMPROVEMENTS, OR THREE (3) YEARS FROM THE DATE HEREOF, WHICHEVER SHALL FIRST OCCUR.

TO HAVE AND TO HOLD, the above-described easement, together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Grantee and to its successors or assigns, for the limited period set forth above.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be executed on the day and year first above written.

GRANTOR:

HAD LAND EQUITY II, LLC, a Delaware limited liability company

By: The Dawson Company, LLC,
a Delaware limited liability company
Its: Managing Member

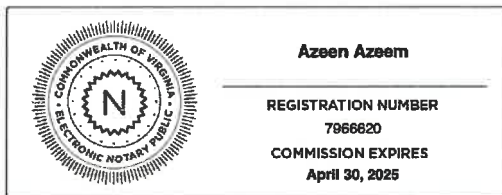
By: Dennis E. Pemberton Jr.
Dennis Pemberton, Authorized Signatory

STATE OF Virginia)

COUNTY OF Prince William, Virginia)

I, the undersigned Notary Public in and for said County and State, hereby certify that DENNIS PEMBERTON, whose name as Authorized Signatory of The Dawson Company, LLC, a Delaware limited liability company, acting in its capacity as Managing Member of HAD LAND EQUITY II, LLC, a Delaware limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this date that, being informed of the contents of this conveyance, he, with full authority, executed the same voluntarily as such Authorized Signatory of The Dawson Company, LLC, acting in its capacity as Managing Member of HAD Land Equity II, LLC, as of the day the same bears date.

Given under my hand and official seal on the 28th day of June, 2024.



A handwritten signature in blue ink, appearing to read 'Azeen', is written over a horizontal line.

Electronic Notary Public

NOTARY PUBLIC
My commission expires: 04/30/2025

Notarized remotely online using communication technology via Proof.

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:

Grantors' Address: 223 West Gregory Street, Pensacola, FL 32502
Grantee's Address: PO Box 308, Huntsville, AL 35804
Property: +/-0.429 acre TCE, lying within Lot 1, Overview Park Phase 3

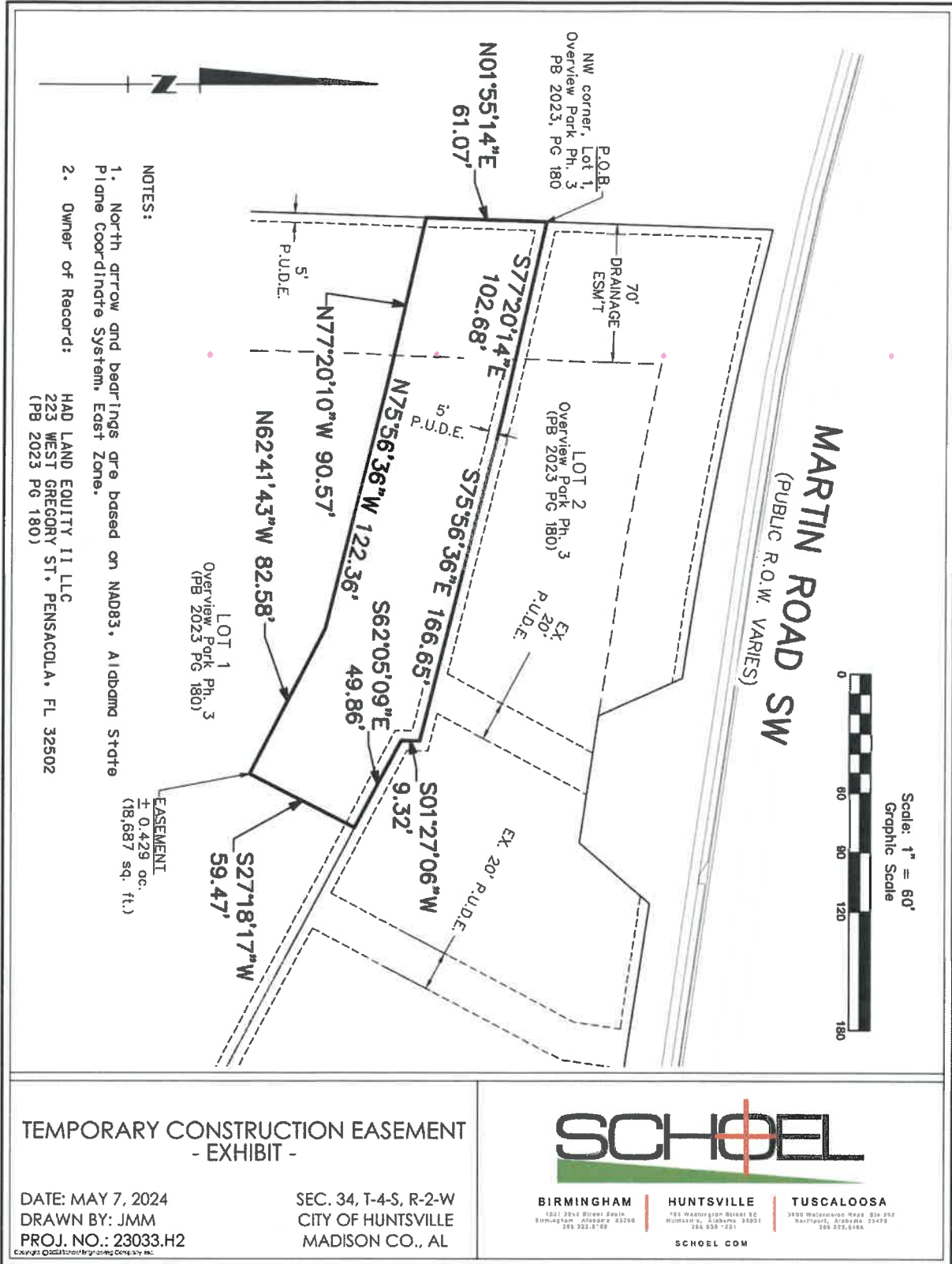
Exhibit "A"
(Legal Description of Temporary Construction Easement)

A temporary construction easement situated in Lot 1, Overview Park Phase 3, as recorded in Plat Book 2023, Page 180 and in Section 34, Township 4 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama {BEARINGS AND DISTANCES referenced to the Alabama State Plane Coordinate System, East Zone, NAD83(2011)} and being more particularly described as follows:

Beginning at the northwest corner of said Lot 1; thence run South 77 degrees 20 minutes 14 seconds East 102.68 feet along the north line of said Lot 1; thence run South 75 degrees 56 minutes 36 seconds East 166.65 feet along the north line of said Lot 1; thence run South 01 degree 27 minutes 06 seconds West 9.32 feet along the north line of said Lot 1; thence run South 62 degrees 05 minutes 09 seconds East 49.86 feet along the north line of said Lot 1; thence run South 27 degrees 18 minutes 17 seconds West 59.47 feet; thence run North 62 degrees 41 minutes 43 seconds West 82.58 feet; thence run North 75 degrees 56 minutes 36 seconds West 122.36 feet; thence run North 77 degrees 20 minutes 10 seconds West 90.57 feet to the west line of said Lot 1; thence run North 01 degree 55 minutes 14 seconds East 61.07 feet along the west line of said Lot 1 back to the Point of Beginning.

Said temporary construction easement contains 0.429 acres (18,687 sq. ft.) more or less.

Exhibit "B"



TEMPORARY CONSTRUCTION EASEMENT - EXHIBIT -

DATE: MAY 7, 2024
DRAWN BY: JMM
PROJ. NO.: 23033.H2

SEC. 34, T-4-S, R-2-W
CITY OF HUNTSVILLE
MADISON CO., AL



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1501 20th Street South
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183 Washington Street SE
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TUSCALOOSA
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