



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 1/11/2024

**File ID:** TMP-3759

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**Department:** Legal

**Subject:**

**Type of Action:** Introduction

Introduction of a corrective Ordinance amending Ordinance No. 22-384 of property declared surplus and reauthorizing and directing its conveyance.

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:**

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

**Additional Comments:**

**ORDINANCE NO. 24- \_\_\_\_\_**

***Corrective Ordinance Amending Ordinance 22-384  
of Property Declared Surplus  
and Reauthorizing and Directing its Conveyance***

**WHEREAS**, on May 26, 2022, the City Council of the City of Huntsville, Alabama, did introduce an item for the declaration of surplus of a certain parcel of property, comprised of approximately 1.18 acres, more or less, and did set such item for public hearing on June 9, 2022; and

**WHEREAS**, on June 9, 2022, the City Council of the City of Huntsville, did hold a public hearing on such item for the declaration of surplus regarding said property, comprised of approximately 1.18 acres, more or less, and following said hearing did pass Ordinance No. 22-384 declaring said property as surplus; and

**WHEREAS**, after adopting Ordinance No. 22-384, the City of Huntsville was informed that although the property declared surplus had been assessed in the City's name for well over twenty (20) years, that the property declared surplus was not in fact owned outright by the City of Huntsville, but instead fee simple title was held by other third parties; and

**WHEREAS**, the City Council of the City of Huntsville, Alabama desires to amend Ordinance No. 22-384 in order to authorize the City to execute a quitclaim deed for no additional consideration in order to clear title to said property; and

**THEREFORE**, the City Council of the City of Huntsville, Alabama intends to rescind Ordinance No. 22-384 in its entirety and to replace it with the following:

**WHEREAS**, the City of Huntsville, an Alabama municipal corporation ("City"), has been assessed as the equitable owner of certain parcel of real property, comprised of approximately 1.18 acres, more or less, lying in Huntsville, Madison County, Alabama, and as more particularly described in Exhibit "A" attached hereto and incorporated herein (the "Subject Property"), but does not appear to hold clear title thereto; and

**WHEREAS**, Stanley Developers, LLC, an Alabama limited liability company, has requested that the City declare the Subject Property as surplus and to convey the same by quitclaim deed in order to clear title to the Subject Property; and

**WHEREAS**, it is the judgment and opinion of the Mayor and the City Council of the City of Huntsville that, pursuant to §11-47-20 of the *Code of Alabama* (1975), that the Subject Property is no longer used or needed for municipal or public purpose; and

**WHEREAS**, in the judgment and opinion of the City Council of the City of Huntsville, Alabama, the Subject Property may be conveyed by quitclaim deed for no additional consideration in order to clear title to the Subject Property, and such compensation is fair and reasonable compensation for the Subject Property; and

**WHEREAS**, it is necessary for the Mayor to execute a quitclaim deed to Stanley Developers, LLC for the Subject Property in accordance with the terms and conditions contained herein; and

**WHEREAS**, a general and permanent ordinance is necessary to effect declaration of surplus property, for the transfer or conveyance of said surplus property, and to authorize the Mayor to execute a quitclaim deed to Stanley Developers, LLC for the same.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA, AS FOLLOWS:**

1. The Subject Property is found and determined not to be needed for public or municipal purposes by the City of Huntsville and is hereby declared as surplus property in accordance with the requirements of §11-47-20 of the *Code of Alabama* (1975); and
2. The Mayor of the City of Huntsville is hereby authorized and directed to convey the Subject Property by quitclaim deed pursuant to the terms herein, and to execute, finalize, and close said conveyance for and on behalf of the City; and
3. The City Clerk for the City of Huntsville is hereby instructed to publish notice of this Ordinance in accordance with §11-45-8 of the *Code of Alabama* (1975); and
4. A copy of said real estate conveyance documents, as legally required, will be kept on file in the office of the City Clerk of the City of Huntsville, Alabama; and
5. This ordinance shall become effective upon its approval, adoption, enactment, and publication by posting as set forth in §11-45-8(b) of the *Code of Alabama* (1975).

**ADOPTED** this the       day of January, 2024.

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

**APPROVED** this the       day of January, 2024.

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Tommy Battle, Mayor

**EXHIBIT "A"**  
**(Legal Description of Subject Property)**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A HEXHEAD MARKING THE NORTHEAST CORNER OF SAID SECTION 11, SOUTH 00 DEGREES 40 MINUTES 52 SECONDS WEST, 63.50 FEET TO A 3/4 INCH REBAR; THEN NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, 164.97 FEET TO A 3/4 INCH REBAR (BENT); THEN SOUTH 50 DEGREES 42 MINUTES 22 SECONDS WEST, 65.30 FEET TO A 1 INCH OPEN TOP PIPE; THEN NORTH 89 DEGREES 14 MINUTES 38 SECONDS WEST, 406.35 FEET TO A POINT; THEN NORTH 01 DEGREE 35 MINUTES 02 SECONDS EAST, 85.45 FEET TO A POINT, PASSING THROUGH A 1/2 INCH IRON PIN AT A DISTANCE OF 15.45 FEET; THEN NORTH 88 DEGREES 54 MINUTES 05 SECONDS EAST, 620.31 FEET TO THE POINT OF BEGINNING. CONTAINING 1.18 ACRES, MORE OR LESS.