



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/24/2023

File ID: TMP-3298

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, 0 Knotty Walls Road in Sequoya Cove Subdivision, Phase 1A. (Anselm Developing)

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: 0 Knotty Walls Road

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 **Anselm Developing, 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 deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

VACATION OF EASEMENT/QUITCLAIM DEED

COUNTY OF MADISON

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of **Five Hundred and 00/100 Dollars (\$500.00)**, the amount of which can be verified by the agreement of the parties and other good and valuable considerations, the receipt of which is hereby acknowledged, **City of Huntsville, an Alabama Municipal Corporation**, having an address of 308 Fountain Circle, Huntsville AL 35801(hereinafter referred to as Grantor) does hereby *vacate the herein described easement*, and further remise, release, quitclaim and convey unto **Anselm Developing, LLC**, whose address is 3827 Eastern Shore Drive, Owens Cross Roads AL 35763 (hereinafter referred to as Grantee), all its right, title, interest and claim in and to the following described real estate situated in MADISON County, State of Alabama, **the address of which is 0 Knotty Walls Road, Owens Cross Roads, AL 35763**, to wit:

SEE ATTACHED EXHIBIT "A"

This instrument is vacating portions of the easement recorded in Madison County, Alabama, Probate records Book 466, Page 259, more particularly described as follows:

An easement 10 feet in width, 5 feet on each side of the center line of a power line, and anchor rights as per installed anchors on the property recorded in Book 428 page 273, Madison County Records, Madison County, Alabama. All that part of the Southeast quarter of Section 14, Township 5, South, Range 1 East of the Huntsville Meridian, Madison County, Alabama.

Said easement is further described as:

All that part of Section 14 and Section 23, Township 5 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama and more particularly described as commencing at the center of the south boundary of said Section 14; Thence North 01 Degrees 00 Minutes 00 Seconds East, for a distance of 188.99 feet to a 5/8 inch rebar found approximately 4 feet North of the North edge of Knotty Walls Road, (Tie Point is from Deed and not field verified); Thence North 13 Degrees 31 Minutes 20 Seconds East for a distance of 43.89 feet to the Point of Beginning.

Said easement is 10 feet wide, 5 feet on each of the following centerline calls:

Thence from the Point of Beginning, North 00 Degrees 26 Minutes 22 Seconds East for a distance of 532.51 feet to a Point; Thence North 77 Degrees 15 Minutes 38 Seconds East, for a distance of 736.14 feet to a Point;

The portions of the easement to be vacated are described in attached EXHIBIT "A".

This instrument does not vacate any easements, rights of way granted, conveyed or set out on the plat recorded at Book 2023, Page 228, seen in Madison County, Alabama, Probate records, said plat being the final plat of Sequoyah Cove Phase 1A.

Source of Title: Madison County, Alabama, Probate records Book 466, Page 259.

No title opinion requested none rendered.

TO HAVE AND TO HOLD the parcel of land above described, together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee, its successors and assigns.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal on this the
24th day of August, 2023.

Signatures and notary on the following page.

This Instrument prepared by:

Joseph T. Conwell, III

Joseph T. Conwell, III, P.C.

4245 Balmoral Dr. SW, Ste. 303,

Huntsville AL 35801

City of Huntsville, an Alabama Municipal Corporation

_____ (Seal)

By: Tommy Battle

Its: Mayor

**STATE OF ALABAMA COUNTY OF
MADISON**

I, the undersigned, a Notary Public in and for said county and state, hereby certify that Tommy Battle, whose named as Mayor of **City of Huntsville, an Alabama Municipal Corporation**, 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, as such officer, executed the same voluntarily, as the act of said entity, on the day the same bears date.

Given under my hand and official seal this the 24th day of
August, 2023.

Notary Public

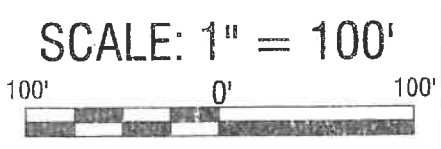
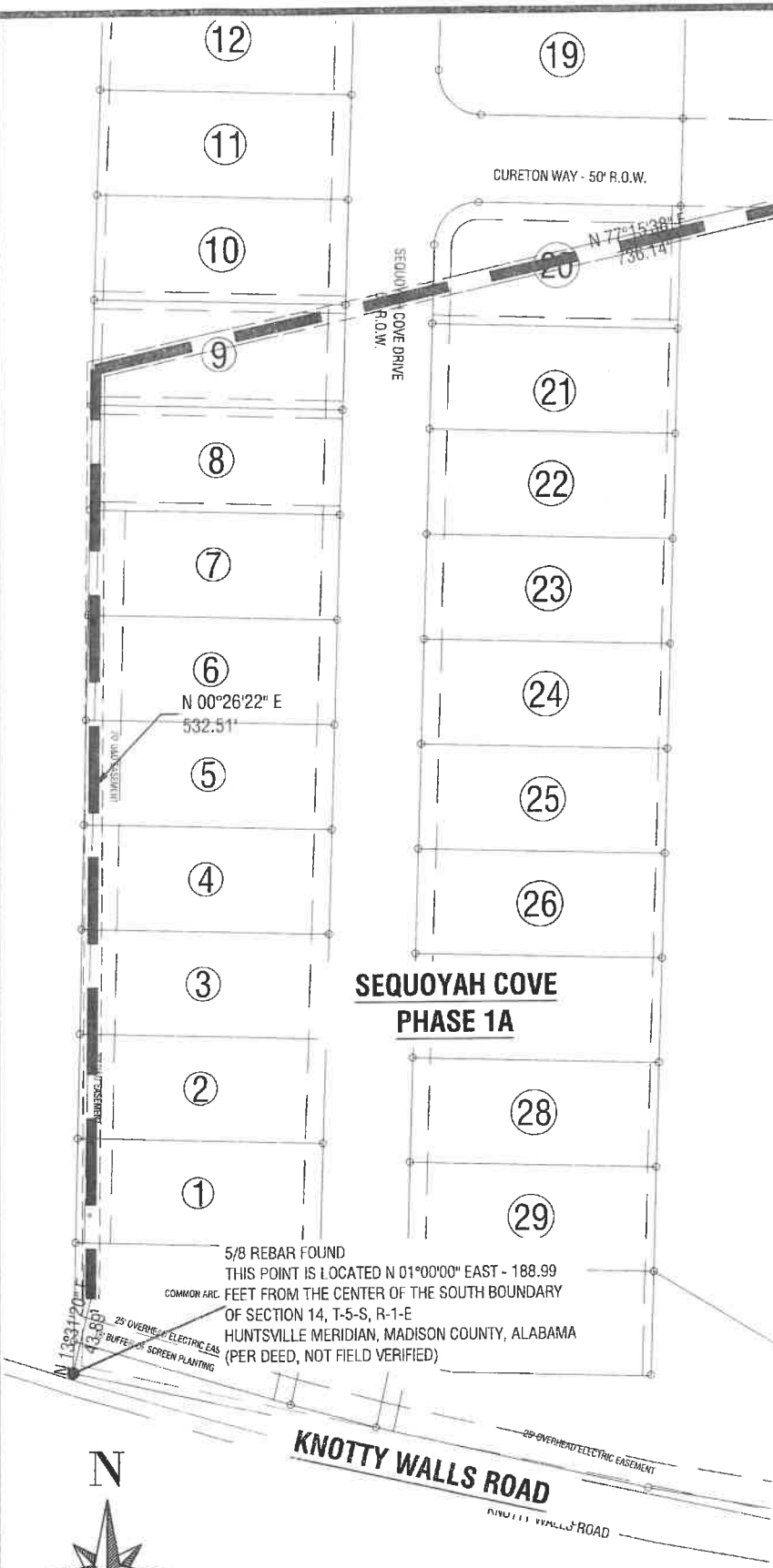
My Commission Expires: _____

EXHIBIT "A"

EASEMENT AREA PERTAINING TO TRACT 2 SEQUOYAH COVE - ZONING PLAT

ALL THAT PART OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE CENTER OF THE SOUTH BOUNDARY OF SAID SECTION 14; THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, FOR A DISTANCE OF 188.99 FEET TO A 5/8 INCH REBAR FOUND, THENCE NORTH 01 DEGREES 14 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 554.88 FEET TO A POINT; THENCE NORTH 76 DEGREES 03 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 687.51 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, NORTH 01 DEGREES 39 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 10.32 FEET TO A POINT; THENCE NORTH 77 DEGREES 15 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 62.93 FEET TO A POINT; THENCE SOUTH 12 DEGREES 44 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 77 DEGREES 15 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 65.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 642 SQUARE FEET, MORE OR LESS



STATE OF ALABAMA COUNTY OF MADISON

UTILITY EASEMENT

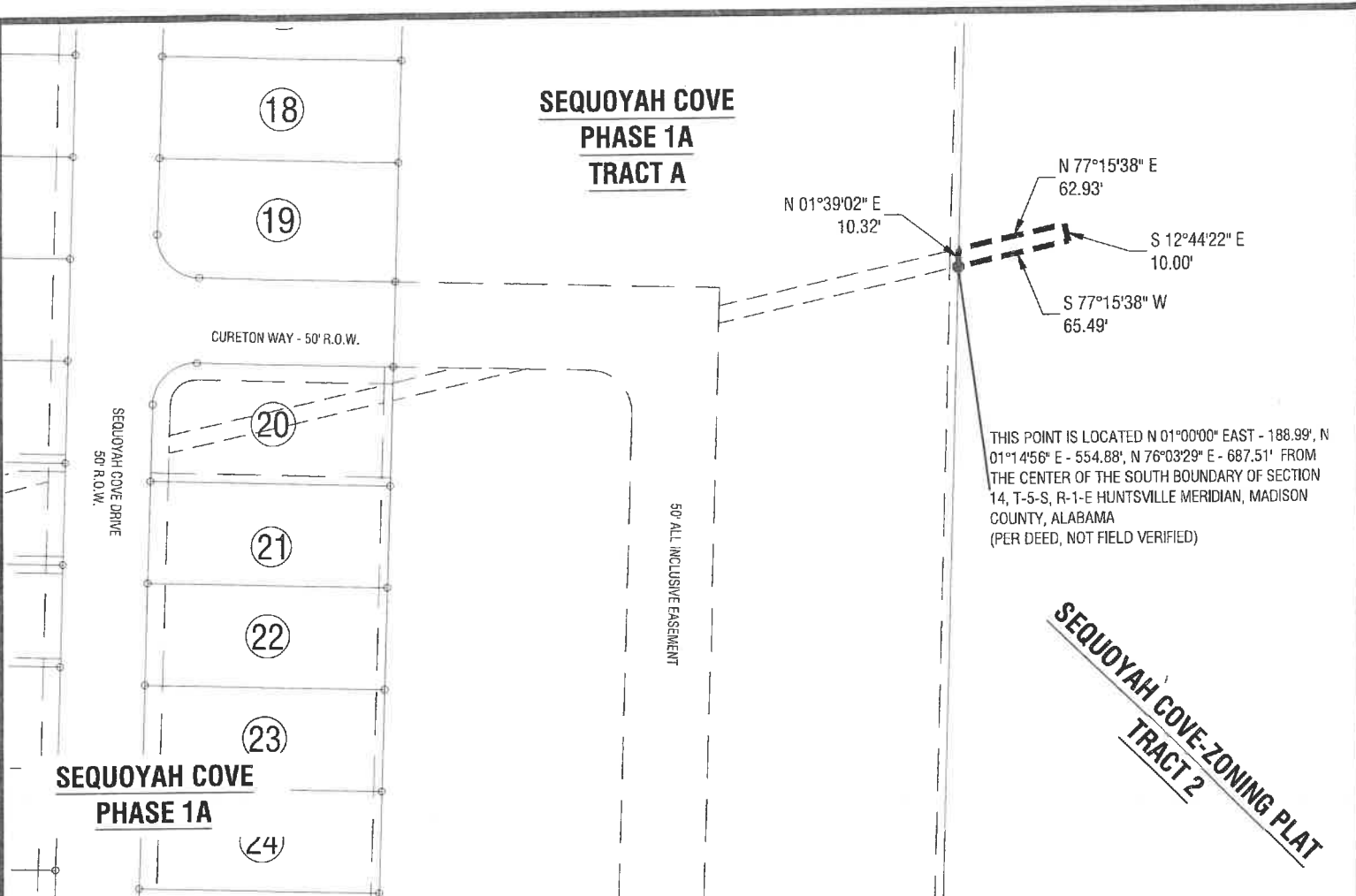
ALL THAT PART OF SECTION 14 AND SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE CENTER OF THE SOUTH BOUNDARY OF SAID SECTION 14; THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, FOR A DISTANCE OF 188.99 FEET TO A 5/8 INCH REBAR FOUND APPROXIMATELY 4 FEET NORTH OF THE NORTH EDGE OF KNOTTY WALLS ROAD, (TIE POINT IS FROM DEED AND NOT FIELD VERIFIED); THENCE NORTH 13 DEGREES 31 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 43.89 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT WILL BE 10 FEET WIDE, 5 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE CALLS:

THENCE FROM THE POINT OF BEGINNING, NORTH 00 DEGREES 26 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 532.51 FEET TO A POINT;

THENCE NORTH 77 DEGREES 15 MINUTES 38 SECONDS EAST, FOR A DISTANCE OF 736.14 FEET TO A POINT;

<p>UTILITY EASEMENT DESCRIPTION</p> <p>HUNTSVILLE, ALABAMA</p>	<p>DRAWN BY: LEE DATE: 08/08/2023 REVISED:</p>	<p>STRATANova ENGINEERING</p>
	<p>OWNER/DEVELOPER POIEMA DEVELOPING L.L.C 2827 EASTERN SHORE DRIVE OWENS CROSS ROADS, AL 35763</p>	<p>1023 MERIDIAN STREET HUNTSVILLE, AL 35801 256-733-ENG3(3643) www.StrataNovaEng.com</p>



**STATE OF ALABAMA
COUNTY OF MADISON**

UTILITY EASEMENT

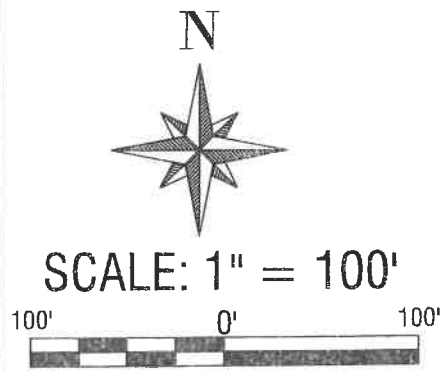
TRACT 2 SEQUOYAH COVE - ZONING PLAT
ALL THAT PART OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE CENTER OF THE SOUTH BOUNDARY OF SAID SECTION 14; THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS EAST, FOR A DISTANCE OF 188.99 FEET TO A 5/8 INCH REBAR FOUND, THENCE NORTH 01 DEGREES 14 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 554.88 FEET TO A POINT; THENCE NORTH 76 DEGREES 03 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 687.51 FEET TO THE POINT OF BEGINNING.

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THENCE SOUTH 12 DEGREES 44 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE SOUTH 77 DEGREES 15 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 65.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 642 SQUARE FEET, MORE OR LESS



<p>TRACT 2 SEQUOYAH COVE - ZONING PLAT UTILITY EASEMENT DESCRIPTION</p> <p>HUNTSVILLE, ALABAMA</p>	<p>DRAWN BY: LEE DATE: 08/08/2023 REVISED:</p> <p>OWNER/DEVELOPER ANSELM DEVELOPING L.L.C 2827 EASTERN SHORE DRIVE OWENS CROSS ROADS, AL 35763</p>	<p>STRATANova ENGINEERING</p> <p>1023 MERIDIAN STREET HUNTSVILLE, AL 35801 256-733-ENG3(3643) www.StrataNovaEng.com</p>
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Ordinance No. 23-_____ (Cont.)

ADOPTED this the 24th day of August, 2023.

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

APPROVED this the 24th day of August, 2023.

Mayor of the City of
Huntsville, Alabama