



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 8/10/2023

**File ID:** TMP-3223

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 3, The Market at Hays Farm. (RPI TWO - PB South LLC)

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:** The Market at Hays Farm

**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 **RPI Two – PB South, 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:

PREPARED BY:  
Brian P. Cain, Esq.  
Holt Ney Zatcoff & Wasserman, LLP  
100 Galleria Parkway, Suite 1800  
Atlanta, GA 30339  
(770) 956-9600

STATE OF ALABAMA  
COUNTY OF MADISON

**QUITCLAIM RELEASE DEED OF EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the **CITY OF HUNTSVILLE**, an Alabama municipal corporation, ("**Grantor**"), in hand paid by **RPI TWO - PB SOUTH, LLC**, a Alabama limited liability company ("**Grantee**"), the receipt whereof is hereby acknowledged, Grantor does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the real estate situated in the County of Madison, State of Alabama and being more particularly described in **Exhibit "A"** attached hereto and incorporated herein and being depicted in **Exhibit "B"** attached hereto and incorporated herein ("**Property**"), to-wit:

TO HAVE AND TO HOLD the same unto the said Grantee, and to its heirs, successors and assigns, so that neither Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to Ordinance No: 23-, as of this 10th day of August, 2023.

CITY OF HUNTSVILLE, an Alabama municipal  
corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

ATTEST:

By: \_\_\_\_\_  
Shaundrika Edwards, City Clerk

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of the City of Huntsville, an Alabama 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 this conveyance, they, as Mayor and City Clerk, respectively, and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 10th day of August, 2023.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**(Easement No. 2 [Lot 3] being Vacated)**

STATE OF ALABAMA  
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

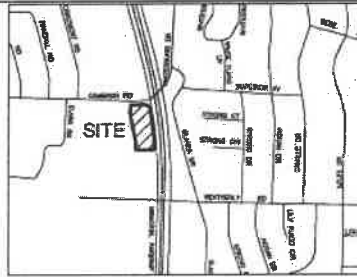
COMMENCING AT THE SOUTHEAST CORNER OF **LOT 3** THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 3 AS RECORDED IN **INSTRUMENT NUMBER 2021-00080851** IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 25 DEGREES 07 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 24.32 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 208.58 FEET TO A POINT; THENCE, NORTH 00 DEGREES 06 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 208.42 FEET TO A POINT; THENCE, SOUTH 01 DEGREES 00 MINUTES 45 SECONDS EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.05 ACRES (2085 SQUARE FEET) MORE OR LESS.

**EXHIBIT B**  
**(Plat of Easement being Released)**  
**(2 pages attached)**





VICINITY MAP  
(NOT TO SCALE)

LEGEND	ABBREVIATIONS
□ CONCRETE MONUMENT FOUND	CLC CALCULATED
■ CONCRETE MONUMENT SET (WITH)	CRP CAPED CORNER FOUND
○ PROPERTY CORNER FOUND	CRP CAPED CORNER SET
△ PROPERTY CORNER SET (WITH)	CMP CONCRETE MONUMENT FOUND
● CALCULATED POINT	CTP CRISP TOP FOUND
— SUBJECT PROPERTY LINE	ESMT EASEMENT
- - - ADJACENT PROPERTY LINE	FPS FINISHED FLOOR ELEVATION
- - - EASEMENT	ME MEASURED
	MBL MINIMUM BUILDING LINE
	MPF MAGNETAL FOUND
	OTF OPEN TOP FARE
	POB POINT OF BEGINNING
	POC POINT OF COMMENCEMENT
	REC RECORDED
	R.O.W. RIGHT OF WAY
	R.R. ROAD SPINE FOUND

#### EASEMENT 1

STATE OF ALABAMA  
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 2 AS RECORDED IN INSTRUMENT NUMBER \_\_\_\_\_ IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 23 DEGREES 15 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 35.84 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 218.63 FEET TO A POINT, THENCE NORTH 11 DEGREES 42 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 16.21 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 117.24 FEET TO A POINT, THENCE, SOUTH 08 DEGREES 15 MINUTES 46 SECONDS EAST A DISTANCE OF 10.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.05 ACRES (2099 SQUARE FEET) MORE OR LESS.

#### EASEMENT 2

STATE OF ALABAMA  
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 2 AS RECORDED IN INSTRUMENT NUMBER \_\_\_\_\_ IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 22 DEGREES 07 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 24.32 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 208.55 FEET TO A POINT, THENCE NORTH 00 DEGREES 06 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 208.42 FEET TO A POINT, THENCE, SOUTH 01 DEGREES 00 MINUTES 45 SECONDS EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.05 ACRES (2099 SQUARE FEET) MORE OR LESS.

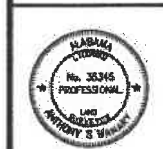
#### SURVEYOR CERTIFICATION

I, ANTHONY SCOTT MANNARY, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 2 THE POINT SURVEYING, LLC, 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 IS THE  
21ST DAY OF SEPTEMBER, 2021

  
ANTHONY SCOTT MANNARY PLS #35345

DATE BY ASM	DATE BY ASM
FILED DATE IN PWD	FILED DATE IN PWD
CONCURRENCE DATE	CONCURRENCE DATE
REVISIONS	REVISIONS



EASEMENT VACATION  
THE MARKET AT HAYS FARM  
PHASE 2  
HUNTSVILLE, ALABAMA  
SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST

SMITH ENGINEERING CO., INC.  
AN ENGINEERING FIRM  
P.O. BOX 1000, HUNTSVILLE, AL 35894  


2 THE POINT  
SURVEYING

SHEET  
1



**Ordinance No. 23-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 10th day of August, 2023.

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

**APPROVED** this the 10th day of August, 2023.

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Mayor of the City of  
Huntsville, Alabama