

**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 utility and drainage easement; that the applicants have represented to the City of Huntsville that **Fuquay Commons, LLP and Huntsville SJ, LLC**, are the owners 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**

**COUNTY OF MADISON**

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by Fuquay Commons, LLLP. And Huntsville SJ, LLC, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey 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:

**EASEMENT TO VACATE – 10 FOOT UTILITY AND DRAINAGE EASEMENT**

COMMENCING AT A CAPPED IRON PIN FOUND AT THE NORTHWEST CORNER OF LOT 5 OF THE FINAL PLAT OF WARE PARK SUBDIVISION PHASE 4, A RESUBDIVISION OF LOT 2 OF WARE PARK, PHASE 3, A RESUBDIVISION OF LOT 1 AND LOT 4 OF WARE PARK PHASE 2, AND A RESUBDIVISION OF TRACT 2 OF WARE PARK SUBDIVISION AS RECORDED IN DOCUMENT NO. 20170324000162390 IN THE OFFICE OF THE JUDGE OF PROBATE FOR MADISON COUNTY, ALABAMA; THENCE FROM SAID CAPPED IRON PIN RUN SOUTH 01°15'02" WEST AT A DISTANCE OF 205.60 FEET TO A POINT; THENCE RUN SOUTH 88°44'59" EAST AT A DISTANCE OF 10.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT;

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 88°44'59" EAST AT A DISTANCE OF 248.55 FEET TO A POINT; THENCE RUN SOUTH 01°15'01" WEST AT A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN NORTH 88°44'59" WEST AT A DISTANCE OF 248.55 FEET TO A POINT; THENCE RUN NORTH 01°15'02" EAST AT A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 0.06 ACRES, MORE OR LESS.

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

**IN WITNESS WHEREOF**, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this the 43<sup>th</sup> day of January, 202 2

**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 said 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 document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 13th day of January, 202 2.

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Notary Public

THIS INSTRUMENT PREPARED BY:

**Morell Engineering**  
**711 East Hobbs Street**  
**Athens, AL 35611**

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

**ADOPTED** this the 13th day of January, 2022.

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

**APPROVED** this the 13th day of January, 2022.

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Mayor of the City of  
Huntsville, Alabama