



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 6/27/2024

File ID: TMP-4312

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to acquire and/or condemn certain parcels of land for the governors Drive East Widening Project.

Resolution No.

Finance Information:

Account Number: TBD

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: Governor Drive East Widening 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, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title in and to the following described parcels of land, to include any uneconomic remnant and any and all revisions or amendments to the acquisitions under the project plans, viz:

See Exhibits "A-1" through "I-2," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama. A corresponding map for each parcel follows the parcel description for each respective tract.

2. That the obtainment of the foregoing property is necessary for the Governors East Widening Project, City Project No. 71-17-RD06 (State No. ATRP2-45-2022-282), which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause said above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described property for said City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Lanier Ford Shaver & Payne P.C., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said properties by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the said property pursuant to the eminent domain code are hereby ratified.

ADOPTED this the 27th day of June, 2024.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 27th day of June, 2024.

Tommy Battle
Mayor of the City of Huntsville, Alabama

EXHIBIT "A-1"

Tract 1 Governors East

A part of NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 1 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at a 1/2" rebar marker at the intersection of the East R/W line of Longwood Avenue and the present South R/W line of Governors Drive (SR-1);

thence S 89°05'09" E along the present South R/W line of Governors Drive (SR-1) a distance of 72.79 feet to a 5/8" rebar marker on the present South R/W line of Governors Drive (SR-1);

thence S 72°04'00" E along the present South R/W line of Governors Drive (SR-1) a distance of 172.15 feet to a point on the present South R/W line of Governors Drive (SR-1) and the West grantor property line;

thence S 87°03'47" E along the present South R/W line of Governors Drive (SR-1) a distance of 3.00 feet to a point on said present R/W line (point also on acquired R/W line) and the **POINT OF BEGINNING** (said point perpendicular to the centerline of Project station 74+67.20 RT);

thence S 87°03'47" E along the present South R/W line of Governors Drive (SR-1) a distance of 76.77 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence 91.47 feet along said present R/W line and along a curve to the right having a radius of 2125.48 feet and a chord bearing of S 74°39'59" E and a chord distance of 91.46 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence 26.81 feet along said present R/W line and along a curve to the right having a radius of 35.50 feet and a chord bearing of S 54°15'56" E and a chord distance of 26.18 feet to a point on the present West R/W taper to Bassett Street;

thence S 32°37'55" E along said present R/W taper of Bassett Street a distance of 16.15 feet to a point on the present West R/W line of Bassett Street;

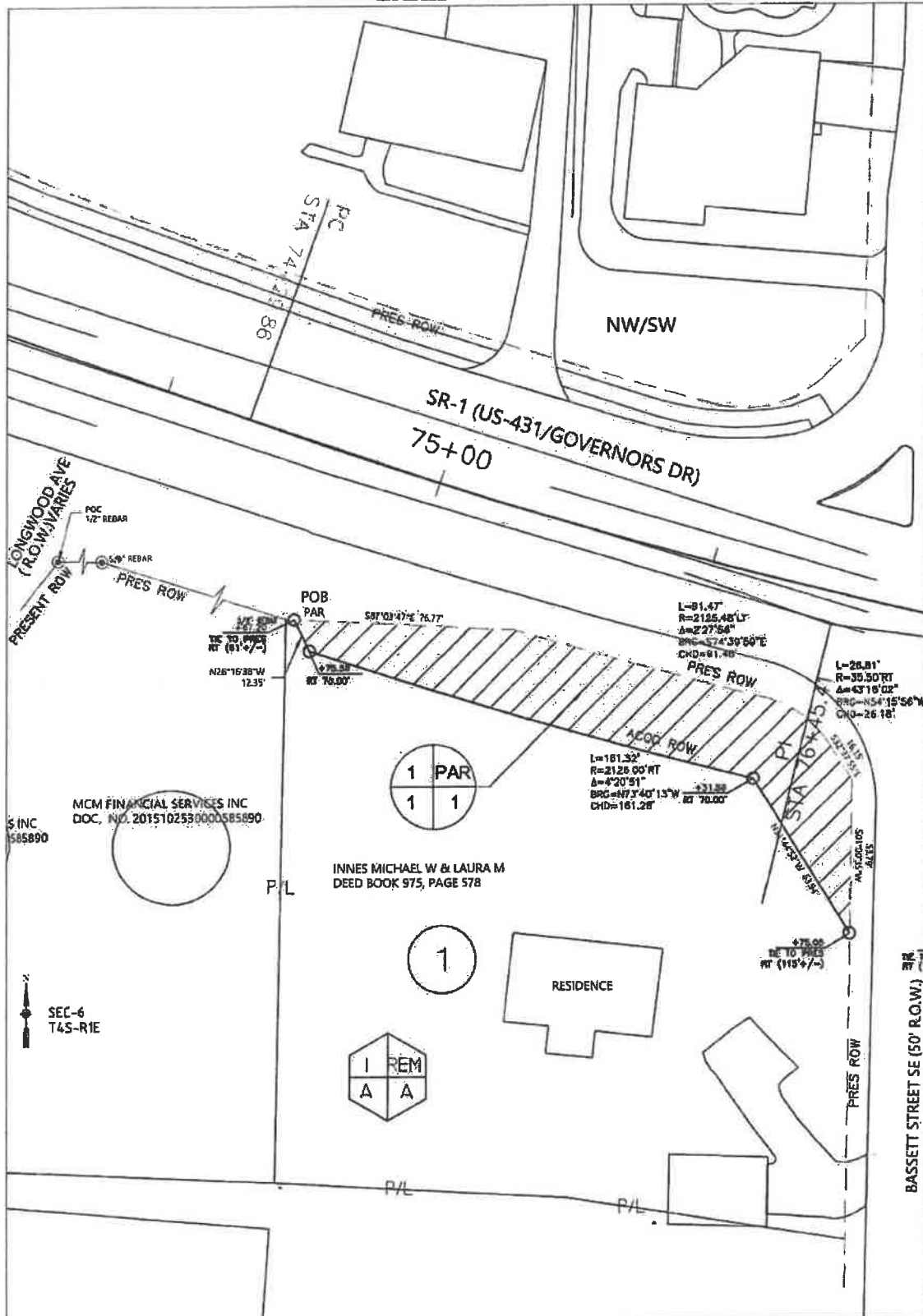
thence S 01°00'35" W along said present R/W line of Bassett Street a distance of 53.79 feet to a point on the acquired R/W line (said point offset 115' RT and perpendicular to the centerline of Project);

thence N 31°44'52" W along the acquired R/W line a distance of 63.94 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at station 76+31.59);

thence 161.32 feet along the acquired R/W line and along a curve to the right having a radius of 2126.00 feet and a chord bearing of N 73°40'13" W and a chord distance of 161.28 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at station 74+75.58);

thence N 26°16'38" W along the acquired R/W line a distance of 12.35 feet to the **POINT OF BEGINNING**; containing 0.13 acre(s) more or less.

EXHIBIT "A-2"



Tract No.:	1	Project :	ATRP2-45-2022-282
Grantor(s):	INNES MICHAEL W & LAURA M	CPMS No.:	100075124
Total Before:	0.87 AC	County:	Madison
Total Acquired:	0.13 AC	State:	Alabama
Total Remainder:	0.74 AC	Scale:	1"=40'
(NOT A BOUNDARY SURVEY)		Date:	2.19.24
		Sketch:	1 OF 1

EXHIBIT "B-1"

Tract 2 Governors East

A part of NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 2 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northwesterly and along the acquired R/W line a distance of 248 feet, more or less, to a point on the acquired R/W line and the East line of the grantor property and the **POINT OF BEGINNING**;

thence 107.03 feet along the acquired R/W line and along a curve to the right having a radius of 2126.00 feet and a chord bearing of N 80°44'19" W and a chord distance of 107.02 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at station 77+55.47);

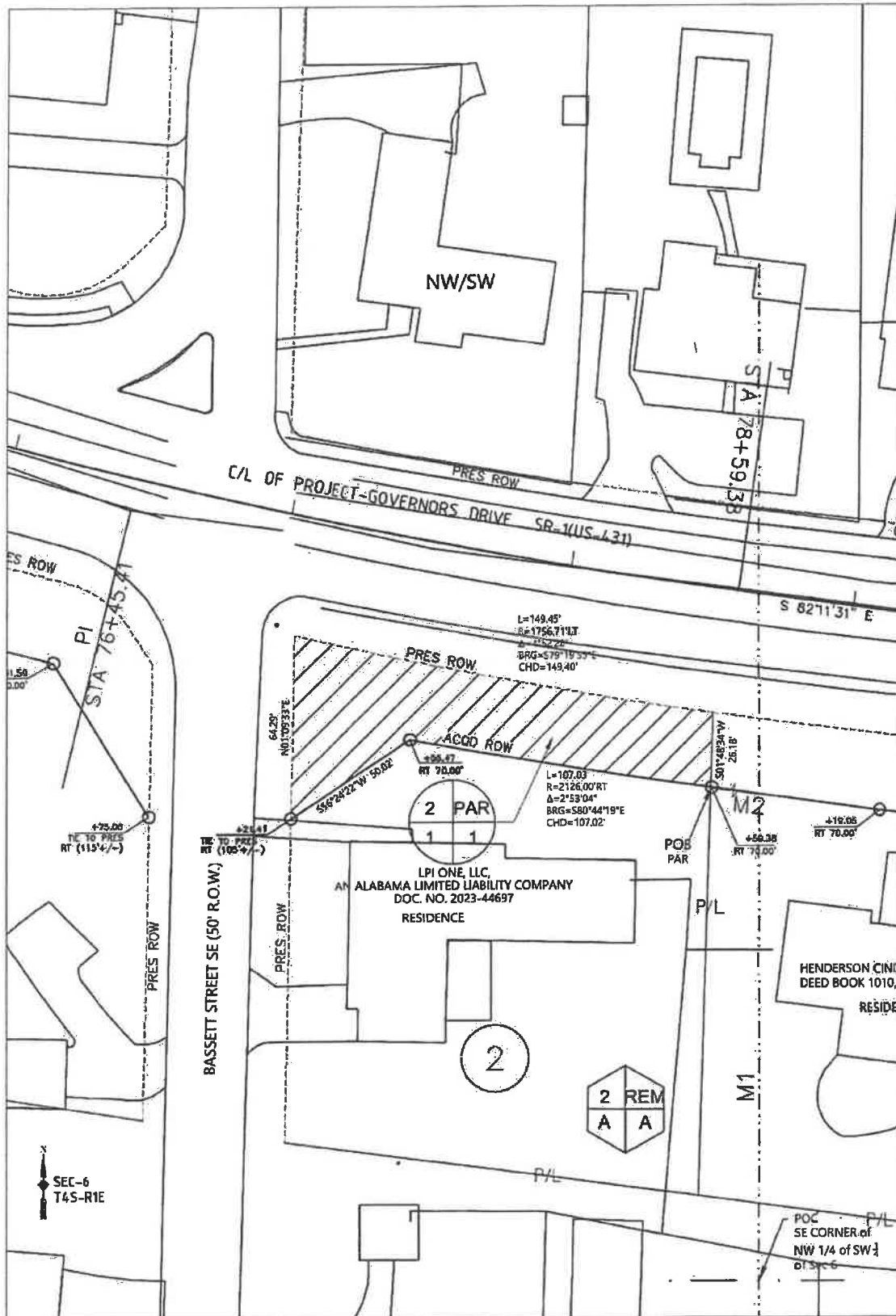
thence S 56°24'22" W along the acquired R/W line a distance of 50.02 feet to a point on the present East R/W line of Bassett Street (said point offset 105' RT and perpendicular to the centerline of Project);

thence N 01°09'33" E along the present East R/W line of Bassett Street a distance of 64.29 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence 149.45 feet along the present South R/W line of Governors Drive (SR-1) and along a curve to the left having a radius of 1756.71 feet and a chord bearing of S 79°19'55" E and a chord distance of 149.40 feet to a point on the grantor East property line;

thence S 01°48'34" W along grantor said property line a distance of 26.18 feet back to the **POINT OF BEGINNING**; containing 0.11 acre(s) more or less.

EXHIBIT "B-2"



Tract No.:	2	Project :	ATRP2-45-2022-282
Grantor(s):	LPI ONE, LLC, AN ALABAMA LIMITED LIABILITY COMPANY	CPMS No.:	100075124
Total Before:	0.58 AC	County:	Madison
Total Parcels:	0.11 AC	State:	Alabama
Total Remainder:	0.47 AC	Scale:	1"=40'
	(NOT A BOUNDARY SURVEY)	Date:	5.03.24
		Sketch:	1 OF 1

EXHIBIT "C-1"

Tract 3 Governors East

A part of NW 1/4 of the SW 1/4 of Section 6, Township 4-S, Range 1-E, identified as Tract No. 3 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SE corner of the NW 1/4 of the SW 1/4 Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of approximately 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northwesterly and along the acquired R/W line a distance of approximately 98 feet, more or less, to a point on the acquired R/W line and the East line of the grantor property and the **POINT OF BEGINNING**;

thence 90.32 feet along the acquired R/W line and along a curve to the right having a radius of 1580.00 feet and a chord bearing of N 83°49'47" W and a chord distance of 90.31 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at PC station 79+19.05);

thence N 82°11'31" W along the acquired R/W line a distance of 59.67 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at PT station 78+59.38);

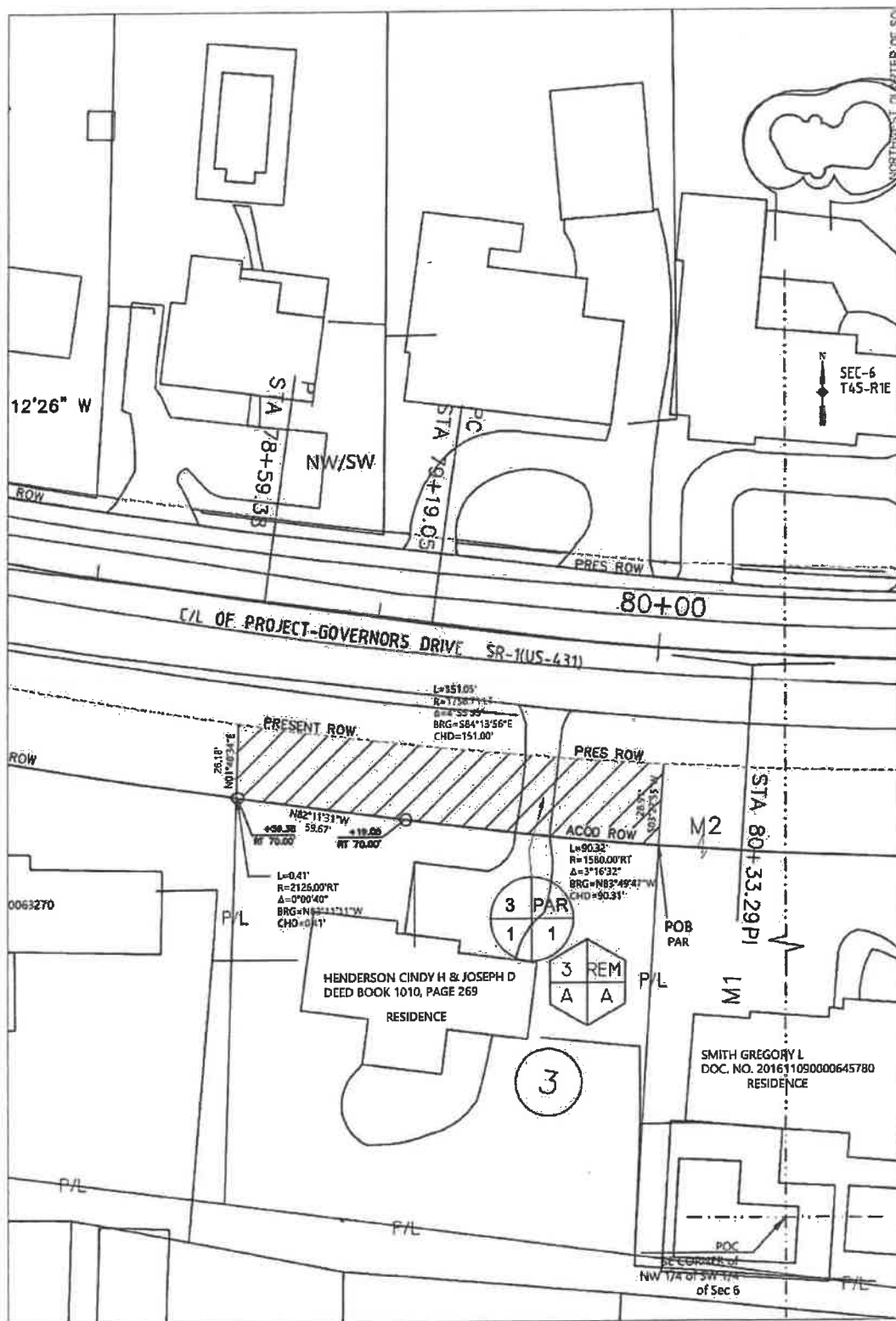
thence 0.41 feet along the acquired R/W line and a curve to the right having a radius of 2126.00 feet and a chord bearing of N 82°11'11"W and a chord distance of 0.41 feet to the West grantor property line;

thence N 01°48'34" E along the West grantor property line a distance of 26.18 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence southeasterly 151.05 feet along the present South R/W line of Governors Drive (SR-1) along a curve to the left having a radius of 1756.71 feet and a chord bearing of S 84°13'56" E and a chord distance of 151.00 feet to a point on the East grantor property line;

thence S 03°27'55" W along the East grantor property line a distance of 28.91 feet to the **POINT OF BEGINNING**; containing 0.09 acre(s) more or less.

EXHIBIT "C-2"



Tract No.:	3	Project :	ATRP2-45-2022-282
Grantor(s):	HENDERSON CINDY H & JOSEPH D		CPMS No.: 100075124
Total Before:	0.58 AC	County:	Madison
Total Acquired:	0.09 AC	State:	Alabama
Total Remainder:	0.49 AC	Scale:	1"=40'
		Date:	2.27.24
		Sketch:	1 OF 1

EXHIBIT "D-1"

Tract 4 Governors East

A part of NE 1/4 of the SW 1/4 and NW 1/4 of the SW 1/4 of Section 6, Township 4-S, Range 1-E, identified as Tract No. 4 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SE corner of the NW 1/4 of the SW 1/4 Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line and the **POINT OF BEGINNING** (said line offset 70' RT and parallel to the centerline of Project);

thence 97.76 feet along the acquired R/W line and along a curve to the right having a radius of 1580.00 feet and a chord bearing of N 87°14'24" W and a chord distance of 97.74 feet to a point on the West grantor property line;

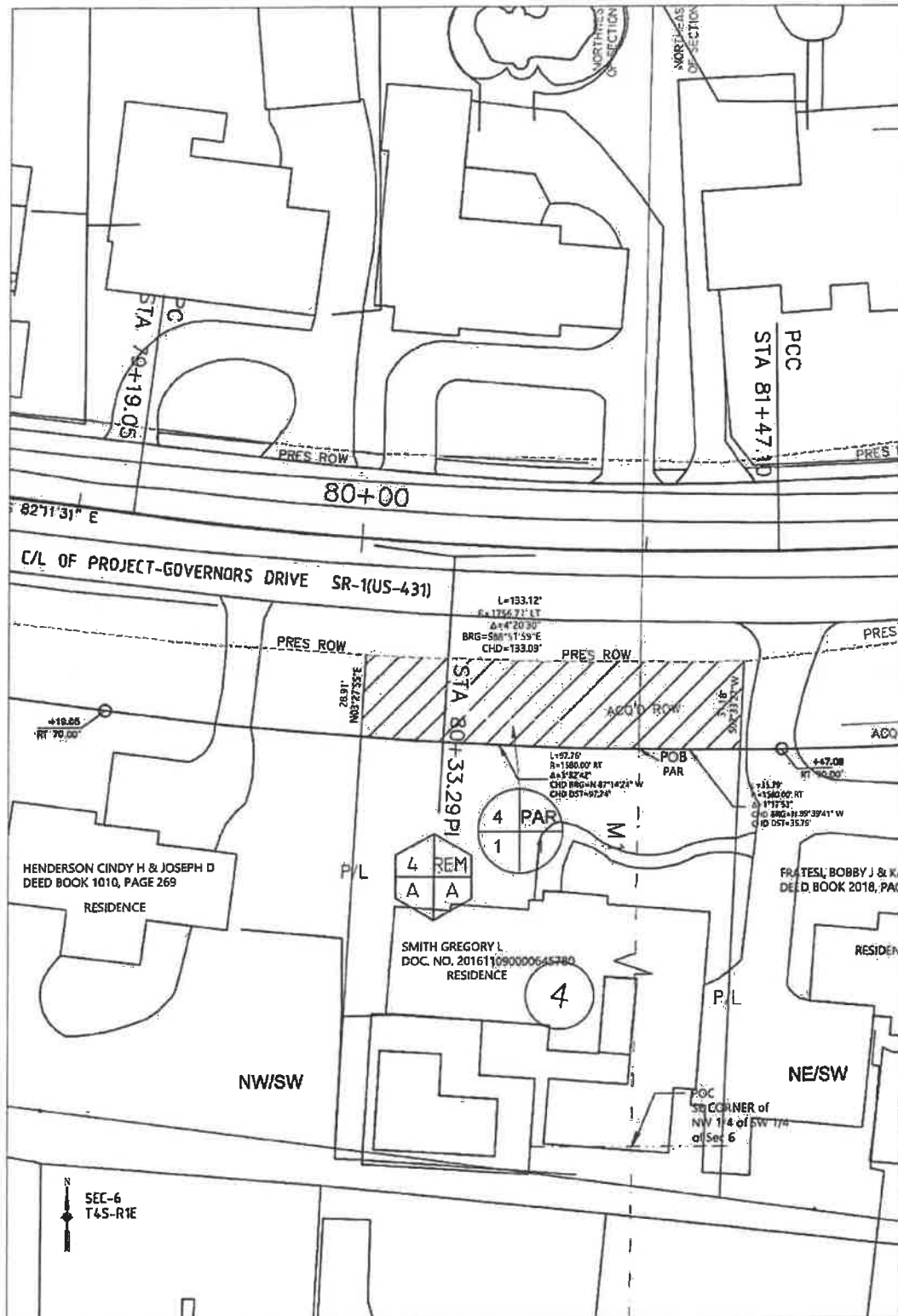
thence N 03°27'55" E along said grantor property line a distance of 28.91 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence 133.12 feet along said present R/W line and along a curve to the left having a radius of 1756.71 feet and a chord bearing of S 88°51'59" E and a chord distance of 133.09 feet to a point on the East grantor property line;

thence S 02°33'27" W along said grantor property line a distance of 31.18 feet to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence 35.79 feet along the acquired R/W line and along a curve to the right having a radius of 1580.00 feet and a chord bearing of N 89°39'41" W and a chord distance of 35.79 feet to the **POINT OF BEGINNING**; containing 0.09 acre(s) more or less.

EXHIBIT "D-2"



Tract No.:	4	Project :	ATRP2-45-2022-282
Grantor(s):	SMITH GREGORY L	CPMS No.:	100075124
Total Before:	0.56 AC	County:	Madison
Total Acquired:	0.09 AC	State:	Alabama
Total Remainder:	0.47 AC	Scale:	1"=40'
(NOT A BOUNDARY SURVEY)		Date:	2.27.24
		Sketch:	1 OF 1

EXHIBIT "E-1"

Tract 5 Governors East

A part of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 5 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northeasterly and along the acquired R/W line a distance of 36 feet, more or less, to a point on the West line of the grantor property and the **POINT OF BEGINNING**;

thence N 02°33'27" E along the West grantor property line a distance of 31.18 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence N 83°11'01" E a distance of 168.46 feet along said present R/W line to a point on the East grantor property line;

thence S 05°09'18" W along said grantor property line a distance of 41.75 feet to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence S 84°19'59" W along the acquired R/W line a distance of 20.66 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at PT station 82+71.07);

thence 129.86 feet along the acquired R/W line and along a curve to the right having a radius of 1543.00 feet and a chord bearing of S 86°44'38" W and a chord distance of 129.82 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at PCC station 81+47.09);

thence S 89°25'20" W along the acquired R/W line a distance of 14.74 feet to the **POINT OF BEGINNING**; containing 0.14 acre(s) more or less.

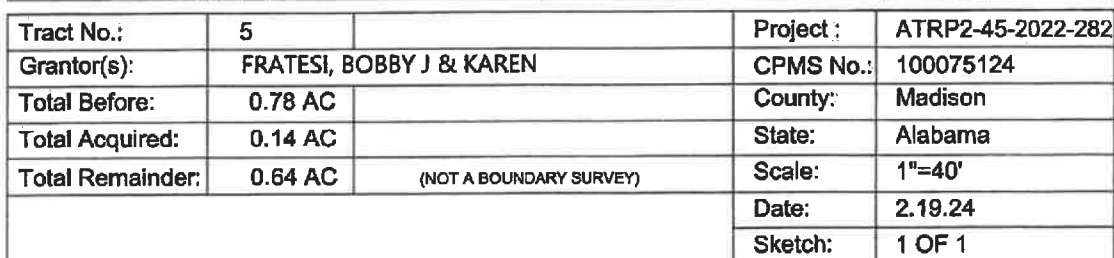


EXHIBIT "F-1"

Tract 6 Governors East

A part of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 6 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SW corner of the NE $\frac{1}{4}$ of the SW' Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northeasterly and along the acquired R/W line a distance of 202 feet, more or less, to a point on the West line of the grantor property and the **POINT OF BEGINNING**;

thence N 05°09'18" E a distance of 41.75 feet along the West grantor property line to a point on the present South R/W line of Governors Drive (SR-1);

thence N 84°18'52" E a distance of 103.34 feet along said present R/W line to a point on the East grantor property line;

thence S 06°03'40" W a distance of 41.91 feet along the East grantor property line to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence S 84°19'59" W along the acquired R/W line a distance of 102.66 feet to the **POINT OF BEGINNING**; containing 0.10 acre(s) more or less.

Tract No.:	6		Project :	ATRP2-45-2022-282
Grantor(s):	HATCHER JONITHAN AND HATCHER JANICE		CPMS No.:	100075124
Total Before:	0.55 AC		County:	Madison
Total Acquired:	0.10 AC		State:	Alabama
Total Remainder:	0.45 AC	(NOT A BOUNDARY SURVEY)	Scale:	1"=40'
			Date:	2.19.24
			Sketch:	1 OF 1

EXHIBIT "G-1"

Tract 7 Governors East

A part of NE 1/4 of the SW 1/4 of Section 6, Township 4-S, Range 1-E, identified as Tract No. 7 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SW corner of the NE 1/4 of the SW 1/4 Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northeasterly and along the acquired R/W line a distance of 304 feet, more or less, to a point on the West line of the grantor property and the **POINT OF BEGINNING**;

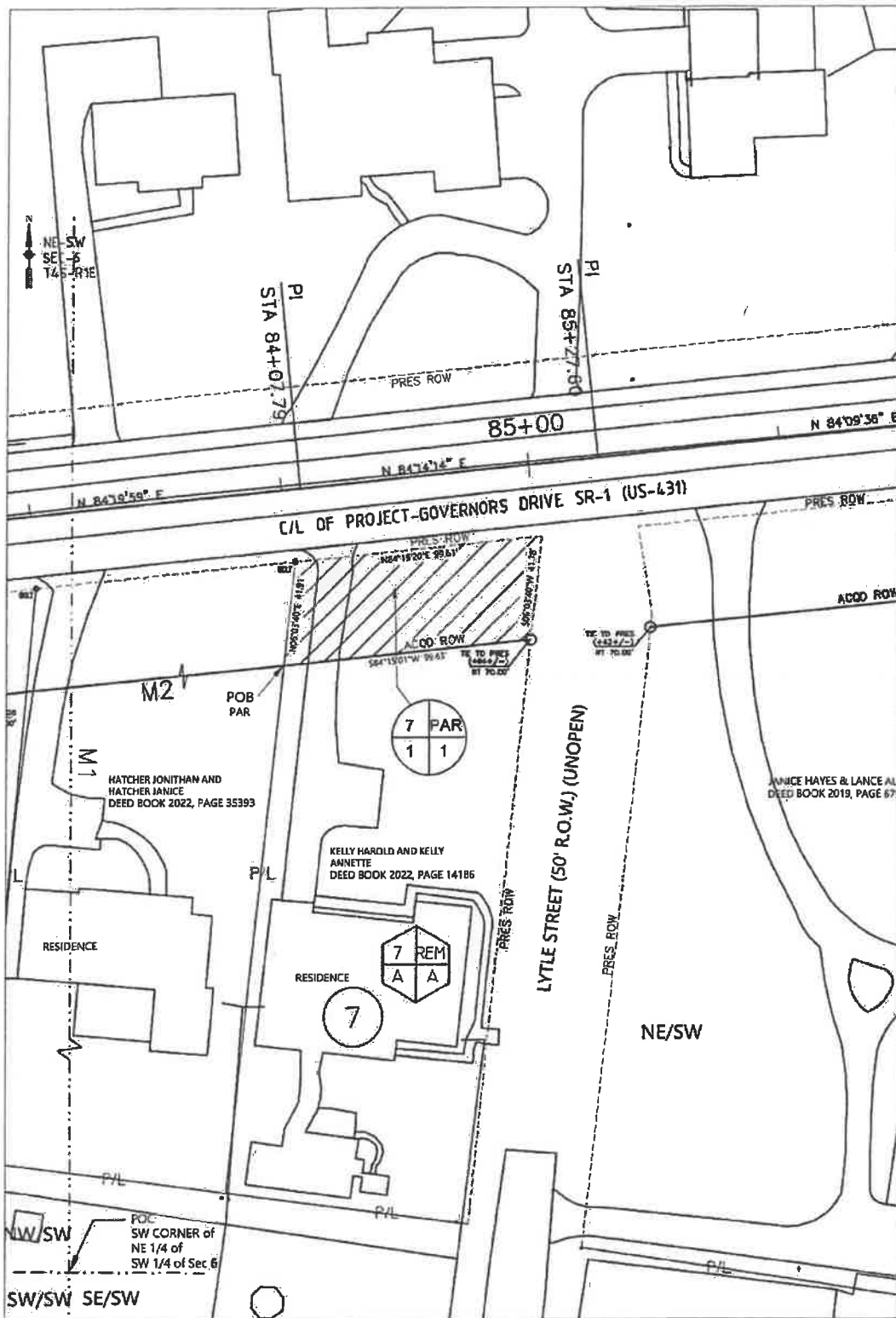
thence N 06°03'40" E along the West grantor property line a distance of 41.91 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence N 84°19'20" E a distance of 99.61 feet along said present R/W line to a point on present West R/W line of Lytle Street;

thence S 06°03'40" W along said present R/W line a distance of 41.78 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project);

thence S 84°15'01" W a distance of 99.63 feet along the acquired R/W line to the **POINT OF BEGINNING**; containing 0.09 acre(s) more or less.

EXHIBIT "G-2"



Tract No.:	7	Project :	ATRP2-45-2022-282
Grantor(s):	KELLY HAROLD AND KELLY ANNETTE	CPMS No.:	100075124
Total Before:	0.60 AC	County:	Madison
Total Acquired:	0.09 AC	State:	Alabama
Total Remainder:	0.51 AC	Scale:	1"=40'
(NOT A BOUNDARY SURVEY)		Date:	2.27.24
		Sketch:	1 OF 1

EXHIBIT "H-1"

Tract 8 Governors East

A part of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 8 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 6;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northeasterly and along the acquired R/W line a distance of 452 feet, more or less, to a point on the present East R/W line of Lytle Street (said point off 70' RT and perpendicular to centerline of Project) and the **POINT OF BEGINNING**;

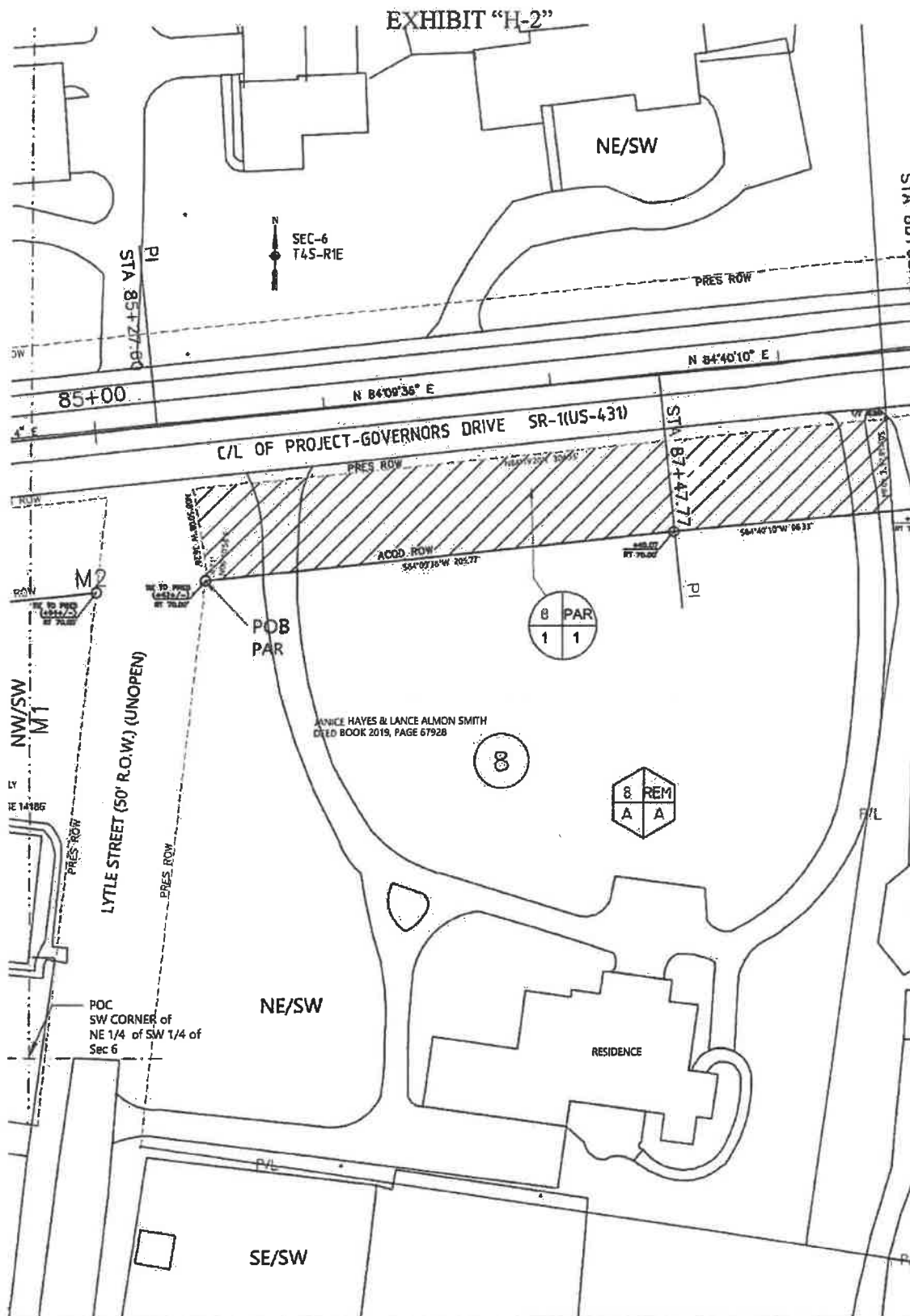
thence N 08°50'08" W a distance of 36.26 feet along said present R/W line of Lytle Street to a point on the present South R/W line of Governors Drive (SR-1);

thence N 84°19'20" E a distance of 304.35 feet along said present R/W line to a point on the East grantor property line;

thence S 03°58'25" E a distance of 40.84 feet along said grantor property line to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project)

thence S 84°40'10" W a distance of 96.33 feet along the acquired R/W line to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at station 87+48.07);

thence S 84°09'36" W a distance of 205.77 feet along the acquired R/W line to the **POINT OF BEGINNING**; containing 0.28 acre(s) more or less.



Tract No.:	8	Project :	ATRP2-45-2022-282
Grantor(s):	JANICE HAYES & LANCE ALMON SMITH	CPMS No.:	100075124
Total Before:	2.26 AC	County:	Madison
Total Acquired:	0.28 AC	State:	Alabama
Total Remainder:	1.98 AC	Scale:	1"=50'
(NOT A BOUNDARY SURVEY)		Date:	2.27.24
		Sketch:	1 OF 1

EXHIBIT "I-1"

Tract 9 Governors East

A part of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 4-S, Range 1-E, identified as Tract No. 9 on Project No. ATRP2-45-2022-282 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commence at the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 6, Township 4-S, Range 1-E;

thence northerly and along the quarter section line a distance of 725 feet, more or less, to a point on the acquired R/W line (said line offset 70' RT and parallel to the centerline of Project);

thence northeasterly and along the acquired R/W line a distance of 753 feet, more or less, to a point on the West line of the grantor property and the **POINT OF BEGINNING**;

thence N 03°58'25" W along the West grantor property line a distance of 40.84 feet to a point on the present South R/W line of Governors Drive (SR-1);

thence N 84°19'20" E a distance of 24.30 feet along said present R/W line to a point on said present R/W line;

thence 80.30 feet along said present R/W line and along a curve to the right having a radius of 1397.72 feet and a chord bearing of N 85°58'05" E and a chord distance of 80.29 feet to a point on said present R/W line;

thence S 06°10'58" W along said present R/W line a distance of 38.90 feet to a point on the acquired R/W line (said point offset 67' right of centerline of project)(said point also on said present R/W line);

thence S 81°10'47" W along the acquired R/W line a distance of 31.50 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at PC station 89+12.18);

thence S 85°50'06" W along the acquired R/W line a distance of 42.97 feet to a point on the acquired R/W line (said point offset 70' RT and perpendicular to the centerline of Project at station 88+69.21);

thence S 84°40'10" W along the acquired R/W line a distance of 23.38 feet to the **POINT OF BEGINNING**; containing 0.09 acre(s) more or less.

CURVE DATA
ARC= 265.04'
R= 1475.00'RT
D10°17'43"
CHD BRG = S 89°01'02" E
CHD DST= 264.68'



Tract No.:	9	Project :	ATRP2-45-2022-282
Grantor(s):	JONAS, HENRY M	CPMS No.:	100075124
Total Before:	0.81 AC	County:	Madison
Total Acquired:	0.09 AC	State:	Alabama
Total Remainder:	0.72 AC	Scale:	1"=50'
		Date:	2.27.24
		Sketch:	1 OF 1