



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/12/2023

**File ID:** TMP-3454

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, 4405 Judith Lane. (Park Pointe)

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:** 4405 Judith Lane

**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 **Park Pointe Apartments, 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       )  
                                  :  
COUNTY OF MADISON     )

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS:** That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **PARK POINTE APARTMENTS, LLC, an Alabama limited liability company**, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the said 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:

An easement 10 feet in width beginning at the Southeast corner of lot 10, block 3 of the Crestwood Subdivision as recorded in Plat book 1, page 356, Probate Office, Madison County, Alabama; thence from the place of beginning North 89° 11' East 150.0 feet to a point, said point being on the West margin of Judith Lane; thence North 0°3' West along the West margin of said Judith Lane 10.0 feet to a point; thence South 89° 11' West 150.0'

to a point; said point being on the East margin of Lot 10, block 3 of Crestwood Subdivision; thence South 0°3' East 10.0 feet along said lot 10 to the place of true beginning. All being a part of the Southeast Quarter of Section 4, Township 4 South, Range 1 West, Madison County, Alabama.

Being the same easement described in that certain deed dated September 19, 1963 and recorded in the Office of the Judge of Probate of Madison County, Alabama, Book 329, Page 70.

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

**IN WITNESS WHEREOF**, the Grantor has caused this quitclaim deed to be signed in its behalf by its Mayor and attested by its City Clerk, on this the 12th day of October, 2023.

**ATTEST:**

**CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation**

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

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

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 Shaundrika Edwards, whose names as Mayor and City Clerk respectively, of the **CITY OF HUNTSVILLE, ALABAMA, a municipal corporation** are signed to the foregoing instrument, 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 voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 12th day of October, 2023.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Pursuant to and in accordance with Section 40-22-1 of the *Code of Alabama (1975)*, the following information is offered in lieu of submitting Form RT-1:

Date of Sale: \_\_\_\_\_, 2021

Grantor's Address: 308 Fountain Circle, Huntsville, Alabama 35801

Grantee's Address: 341 Veraclift Court, Oviedo, Florida 32765

Property Address: Easement at: 4405 Judith Lane SW, Huntsville, Alabama 35805

Purchase Price: \$0 – Nominal for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by:  
M. PAUL KILLIAN  
HARRISON & GAMMONS, P.C.  
2430 L&N Drive  
Huntsville, AL 35801  
256-533-7711

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

**ADOPTED** this the 12th day of October, 2023.

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

**APPROVED** this the 12th day of October, 2023.

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Mayor of the City of  
Huntsville, Alabama