



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 5/12/2022

**File ID:** 2022-0356

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**Department:** Urban Development

**Subject:**

**Type of Action:** Approval/Action

Ordinance to declare certain real property as surplus and no longer need for a municipal purpose and authorizing its sale to ANA Hollywood, LLC. (Introduced April 28, 2022, Regular Council Meeting)

Ordinance No. 22-304

**Finance Information:**

**Account Number:** 0

**City Cost Amount:** 0

**Total Cost:** 0

**Special Circumstances:**

**Grant Funded:** N/A

**Grant Title - CFDA or granting Agency:** N/A

**Resolution #:** N/A

**Location:**

**Address:** BN/a

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

**Ordinance No. 2022-\_\_\_\_\_**

***Ordinance to Declare Property as Surplus  
and Authorizing and Directing its Sale***

**WHEREAS**, the City of Huntsville, an Alabama municipal corporation (“City”), is the owner of certain real property situated in Huntsville, Madison County, Alabama, containing 2.567 acres more or less, as more particularly described as follows in Exhibit “1” attached hereto (the “Subject Property”); and

**WHEREAS**, ANA Hollywood, LLC, an Alabama limited liability company, has requested that the City declare the Subject Property as surplus and offer the same for sale; and

**WHEREAS**, it is the opinion of the Mayor and the City Council of the City of Huntsville that, pursuant to §11-47-20 of the *Code of Alabama* (1975), that the Subject Property is no longer used or needed for a public purpose; and

**WHEREAS**, the Mayor of the City of Huntsville is hereby authorized to enter into that certain Purchase and Sale Agreement between the City of Huntsville and ANA Hollywood, LLC, attached hereto as Exhibit “2” (the “Agreement”), and pursuant to the terms and conditions therein, the Subject Property will be sold to ANA Hollywood, LLC, in exchange for Five Hundred Fifty-Nine Thousand Twenty and No/100 Dollars (\$559,020.00); and

**WHEREAS**, in the opinion of the Mayor and the City Council of Huntsville, Alabama, said compensation is fair and reasonable compensation for the Subject Property; and

**WHEREAS**, it is necessary for the Mayor to execute a statutory warranty deed for the Subject Property to ANA Hollywood, LLC; and

**WHEREAS**, a general and permanent ordinance is necessary to effect declaration of surplus property, for the transfer or sale of said surplus property, and to authorize the Mayor to execute a deed to the purchaser of surplus property.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA, AS FOLLOWS:***

1. The Subject Property is found and determined not to be needed for public or municipal purposes by the City of Huntsville and is hereby declared as surplus property in accordance with the requirements of §11-47-20 of the *Code of Alabama* (1975); and
2. The Mayor of the City of Huntsville is hereby authorized and directed to execute the Agreement and to execute and deliver all documents required to close said sale for and on behalf of the City; and
3. The City Clerk for the City of Huntsville is hereby instructed to publish notice of this Ordinance in accordance with §11-45-8 of the *Code of Alabama* (1975); and
4. A copy of said real estate closing documents, as legally required, will be kept on file in the office of the Clerk-Treasurer of the City of Huntsville, Alabama; and

5. This ordinance shall become effective upon its approval, adoption, enactment, and publication by posting as set forth in §11-45-8(b) of the *Code of Alabama* (1975).

***ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.***

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

***APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.***

\_\_\_\_\_  
Tommy Battle, Mayor

**EXHIBIT "1"**  
**(Legal Description of Subject Property)**

A TRACT OF LAND SITUATED IN A PORTION OF THE LAND DESCRIBED IN OLD HUNTSVILLE/MADISON COUNTY AIRPORT PARK AS RECORDED IN PLAT BOOK 24, PAGE 19 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR CAPPED "SMITH ENG. CA #0122" AT THE SOUTHWEST CORNER OF LOT 2, ACCORDING TO THE PLAT OF R.C. COBB HOLLYWOOD SIXTEEN THEATRE AS RECORDED IN PLAT BOOK 30, PG 10 IN THE OFFICE OF JUDGE OF PROBATE OF MADISON COUNTY, AL; THENCE S23°19'36"E ALONG THE WEST BOUNDARY LINE OF LOT 1 OF SAID SUBDIVISION A DISTANCE OF 230.03 FEET; THENCE S66°40'45"W (LEAVING SAID BOUNDARY LINE OF LOT 1) A DISTANCE OF 135.02 FEET; THENCE N23°19'17"W A DISTANCE OF 392.80 FEET; THENCE N89°59'53"W A DISTANCE OF 102.90 FEET; THENCE N1°39'56"W A DISTANCE OF 349.64 FEET TO A 1 INCH CRIMP IRON PIPE AND BEING THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE S89°10'42"E ALONG THE BOUNDARY LINE OF SAID LOT 2 A DISTANCE OF 100.00 FEET TO A 5/8 INCH REBAR; THENCE S89°24'02"E CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 2 A DISTANCE 10.06 FEET TO A 5/8 INCH REBAR; THENCE S23°19'24"E CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 2 A DISTANCE OF 483.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 111,804 SQUARE FEET OR 2.567 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD AFFECTING PROPERTY.

**EXHIBIT “2”**  
**(Purchase and Sale Agreement)**

*[Attach copy of Purchase and Sale Agreement between the City of Huntsville and ANA  
Hollywood, LLC]*