



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/13/2022

File ID: TMP-2151

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a 10-foot Utility and Drainage Easement along the rear lot line of Lot 14, Block 1, Morningside Subdivision First Addition, 15013 Collier Road. (Salehi)

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:

Address: Morningside Subdivision First Addition, 15013 Collier Road

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

Additional Comments:

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 a utility and drainage easement; that the applicants have represented to the City of Huntsville that **SAIED SALEHI and LADONNA KAY SALEHI**, 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 **SAIED SALEHI and LADONNA KAY SALEHI** 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:

All that part of Lot 14, Block 1 according to the plat of survey of A Resubdivision of Morningside, First Addition, A Resubdivision of Part of Lot 3, Morningside Properties, Second Addition, as recorded in the Office of the Judge of Probate of Madison County, Alabama, in Plat Book 22, Pages 46 and 47. Particularly described as commencing at the Southeast corner of said Lot 14, being on the Northerly margin of the right of way for Ashmont Boulevard; Thence leaving said road and along the Easterly boundary of said Lot 24, North 07 degrees 41 minutes 36 seconds East 25.49 feet; Thence leaving said boundary, North 82 degrees 18 minutes 24 seconds West 5.00 feet to the Point of Beginning of the herein described tract.

Thence from the Point of Beginning continues North 82 degrees 18 minutes 24 seconds West 5.00 feet; Thence North 07 degrees 41 minutes 36 seconds East 36.00 feet; Thence South 82 degrees 18 minutes 24 seconds East 5.00 feet; Thence South 07 degrees 41 minutes 36 second West 36.00 feet to the Point of Beginning and containing 180.0 square feet.

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 13th day of October, 2022.

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 October, 2022.

Notary Public

THIS INSTRUMENT PREPARED BY:
James L. McElroy, Jr
McElroy Land Surveying Co., Inc.
4012 Triana Blvd SW
Huntsville, AL 35805

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 13th day of October, 2022.

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

APPROVED this the 13th day of October, 2022.

Mayor of the City of
Huntsville, Alabama