



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/24/2024

File ID: TMP-4733

Department: Planning

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute and enter into a Mutual Termination of Maintenance Agreement and Access Easement between the City of Huntsville and Branch Huntsville MF Associates , LP.

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: NA

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, that the Mayor of the City of Huntsville is hereby authorized, for and on behalf of the City, to execute and enter into a Mutual Termination of Maintenance Agreement and Access Easement between the City of Huntsville, an Alabama municipal corporation, and Branch Huntsville MF Associates, LP, a Georgia Limited Partnership, which said mutual termination is substantially in words and figures similar to that certain document attached hereto and identified as “Mutual Termination of Maintenance Agreement and Access Easement between the City of Huntsville and Branch Huntsville MF Associates, LP” consisting of five (5) pages including exhibit A, and the date of October 24, 2024, appearing on the margin of the first page, together with the signature of the President or President Pro Tempore of the City Council, an executed copy of the same being kept on file permanently in the Office of the City Clerk of the City of Huntsville. The City Clerk is authorized to attest thereto.

ADOPTED this the 24th day of October 2024.

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

APPROVED this the 24th day of October 2024

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

MUTUAL TERMINATION OF
MAINTENANCE AGREEMENT AND ACCESS EASEMENT

THIS MUTUAL TERMINATION OF MAINTENANCE AGREEMENT AND ACCESS EASEMENT (the "Termination") is made and entered into as of the ____ day of _____, 2024, by and between the City of Huntsville, an Alabama municipal corporation (the "City"), and Branch Huntsville MF Associates, LP, a Georgia Limited Partnership (the "Developer")(collectively, referred to herein as the "Parties")

WITNESSETH:

WHEREAS, the Parties entered into that certain Maintenance Agreement and Access Easement, as recorded in Deed Book 2022, Pages 37252 through 37268, in the Office of the Judge of Probate of Madison County, Alabama (the "Original MAAE");

WHEREAS, the Developer agreed to subject certain real property, being more particularly described in Exhibit "A" attached hereto and incorporated herein (the "Property"), to the terms and conditions required by the City as set fourth in the Original MAAE;

WHEREAS, the Developer as owner of the Property had the Property platted as evidenced by that certain Boundary Plat of Branch Properties Addition to Huntsville (the "Plat") filed of record in the Office of the Judge of Probate of Madison County, Alabama, in Plat Book 2022, Pages 279 and 280, on the 3rd day of August, 2022 (the "Plat");

WHEREAS, the Developer has determined that the Plat should be vacated and said Plat was vacated pursuant to that certain Declaration of Vacation of Plat or Map, as recorded in Plat Book 2024, Page 264 and 265 on the 10th of October, 2024 in the Office of the Judge of Probate of Madison County, Alabama ("Vacated Plat");

WHEREAS, the Parties acknowledge and agree that the Original MAAE is no longer necessary due to the Vacated Plat, and the Parties desire the Original MAAE to be terminated and released in full;

WHEREAS, the Parties desire to terminate the Original MAAE so that the Developer may file a new plat of the Property (the "New Plat");

WHEREAS, accordingly the Developer understands, acknowledges and agrees that the City will require the Developer to enter into a new Maintenance Agreement and Access

President of the City Council of the
City of Huntsville, Alabama
Date: October 24, 2024

Easement Agreement with the City for the Property (the "New MAAE") in connection with the finalization, approval, and recording of the New Plat; and

WHEREAS, the Parties further have agreed to waive and release any claims that they may have against one another with regard to such MAAE.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties hereby agree as follows:

The Original MAAE dated June 8, 2022, and recorded on August 3, 2022, in Deed Book 2022, Pages 37252 through 37268 in the Office of the Judge of Probate of Madison County, Alabama, is hereby released, terminated, cancelled, and extinguished in its entirety, including any and all provisions of the MAAE intended to survive such termination, and shall be of no further force and effect upon the recordation of this Termination in the Office of the Judge of Probate of Madison County, Alabama.

Each individual executing this Termination has the due authority to bind their respective party to the actions set forth herein. Each party represents that no other party is required to provide its consent to the execution of this Termination.

This Termination may be executed in any number of counterparts, and all of such counterparts, together, shall constitute one and the same instrument. This Termination shall be governed by Alabama law without regard to its conflict of law provisions.

In witness whereof, the parties have caused this Mutual Termination of Maintenance Agreement and Access Easement to be executed by their duly authorized representatives on the date first written below.

[Signatures and Acknowledgments Appearing on the Following Page(s)]

[City Signature Page to Termination of Maintenance Agreement and Access Easement]

City of Huntsville, an Alabama Municipal
corporation

By: _____
Tommy Battle, Mayor

Attest

By: _____
Shaundrika Edwards, City Clerk

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, an Alabama 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 foregoing instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said City of Huntsville, as of the day the same bears date,.

Given under my hand and official seal on the ____ day of _____, 2024.

NOTARY PUBLIC
My commission expires:

[Developer Signature Page to Termination of Maintenance Agreement and Access Easement]

Branch Huntsville MF Associates, LP,
a Georgia Limited Partnership

By: _____

Jack T. Haylett

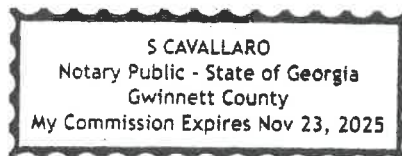
Its: Authorized Signatory

STATE OF Georgia)

COUNTY OF Fulton)

I, the undersigned, a Notary Public, in and for said county in said state, hereby certify that Jack T. Haylett, whose name as Authorized Signatory of Branch Huntsville MF Associates, LP, a Georgia Limited Partnership, is signed in the foregoing instrument, and who is known to me, acknowledged before me on this day that, being fully informed of the contents of the instrument, he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited partnership, as of the day the same bears date.

Given under my hand this the 10th day of October, 2024,



S. Cavallaro
Notary Public

My Commission Expires:

November 23, 2025

Exhibit A

SUBJECT PROPERTY DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

A LOT OR PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF FEULNER SUBDIVISION AS RECORDED IN PLAT BOOK 31 PAGE 87 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY ALABAMA, THENCE, SOUTH 74 DEGREES 29 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 160.27 FEET TO A POINT; THENCE, SOUTH 15 DEGREES 11 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 94.40 FEET TO A POINT; THENCE, SOUTH 75 DEGREES 06 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 389.83 FEET TO A POINT; THENCE, NORTH 14 DEGREES 53 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 925.11 FEET TO A POINT; THENCE, NORTH 74 DEGREES 55 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 317.42 FEET TO A POINT; THENCE, SOUTH 14 DEGREES 50 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 219.60 FEET TO A POINT; THENCE, NORTH 75 DEGREES 59 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 227.70 FEET TO A POINT; THENCE SOUTH 15 DEGREES 20 MINUTES 05 SECONDS EAST A DISTANCE OF 606.93 FEET TO THE POINT-OF-BEGINNING.

LOT CONTAINS 10.12 ACRES MORE OR LESS.

THIS INSTRUMENT PREPARED BY

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Attorney At Law
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