



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/24/2023

File ID: TMP-3300

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a gas line easement through Lot 13, Mid-City Subdivision, Phase 7, Fame Avenue. (MidCity MU)

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: Lot 13, Mid-City Phase 7, Fame Avenue

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 gas line easement; that the applicant has represented to the City of Huntsville that **MidCity MU, 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:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
WILMER & LEE, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801
(256) 533-0202

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED FOR VACATION OF EASEMENT

THIS INDENTURE made and entered into on this 24th day of August, 2023, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and MIDCITY MU, LLC, an Alabama limited liability company ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by Grantee, and other good and valuable consideration, 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 (the "Easement"):

See Exhibit "A" attached hereto and incorporated herein, and said Easement being depicted in Exhibit "B" attached hereto.

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

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its City Clerk, pursuant to Ordinance _____, as of this the 24 day of August, 2023.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shuandrika 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 instrument, they, as such officers and with full authority, executed the same for and as the act of said municipal corporation.

GIVEN under my hand and official seal this the 24 day of August, 2023.

NOTARY PUBLIC
My commission expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.

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:

Grantor's Address: 308 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address: 920 Bob Wallace Ave, Ste. 320, Huntsville, Alabama 35802
Property Address: +/-0.06-acre gas line easement (affecting Lot 13, Block 8 of MidCity Ph. 7)
Purchase Price: N/A

Exhibit "A"
(Legal Description of Vacated Easement)

A tract of land lying and being in Section 31, Township 3 South, Range 1 West of the Huntsville Meridian.

Said tract being a portion of an existing gas line easement conveyed to the City of Huntsville in Deed Book 648, Page 464 as recorded the Office of the Judge of Probate of Madison County, Alabama and being more particularly described as follows:

Commencing at a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the southeast corner of Lot 13 of MidCity Subdivision Phase 7 as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2019, Page 00013667; thence along the south boundary of said lot 13 South 90 Degrees 00 Minutes 00 Seconds West a distance of 70.04 feet to a #5 rebar set marking the east boundary of an existing gas line easement conveyed to the City of Huntsville, Alabama in Deed Book 648, Page 464 as recorded the Office of the Judge of Probate of Madison County, Alabama, said point marking the Point of Beginning of the herein described tract having established grid coordinates of (N) 1542869.28, (E) 406925.79 as defined by the Alabama State Plane Coordinate System Zone East of NAD83;

Thence leaving said east boundary South 90 Degrees 00 Minutes 00 Seconds West a distance of 20.67 feet to a #5 rebar set marking the west boundary of said easement; thence leaving said south boundary of lot 13 and along the west boundary of said easement North 14 Degrees 34 Minutes 41 Seconds West a distance of 36.68 feet to a #5 rebar set; thence North 3 Degrees 25 Minutes 10 Seconds West a distance of 91.90 feet to a #5 rebar set on the south right-of-way of Fame Avenue, said point being on a curve to the left, having a radius of 374.00 feet, the chord of which is South 74 Degrees 14 Minutes 04 Seconds East for a distance of 21.18 feet; thence along said right-of-way and the arc of said curve 21.18 feet to a #5 rebar set on the east boundary of said easement; thence leaving said right-of-way and along the east boundary of said easement South 3 Degrees 25 Minutes 10 Seconds East a distance of 82.98 feet to a #5 rebar set; thence South 14 Degrees 34 Minutes 42 Seconds East a distance of 39.92 feet to the POINT OF BEGINNING.

The above-described tract contains 0.06 acres (2512.671 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 24th day of August, 2023.

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

APPROVED this the 24th day of August, 2023.

Mayor of the City of
Huntsville, Alabama