



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/22/2024

File ID: TMP-4511

Department: Engineering

Subject:

Type of Action: Approval/Action

Resolution accepting a 0.01 acre parcel of real property dedicated for Public Utility, Drainage and Sewer Easement from ECG Monrovia, LP, to the City of Huntsville, Alabama.

Resolution 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: Old Monrovia Apartments

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 be, and he is hereby authorized to accept that certain Public Utility, Drainage and Sanitary Sewer Easement, by ECG Monrovia, LP, as Grantor, and the City of Huntsville, an Alabama municipal corporation, as Grantee, for donation by Grantor to the City of Huntsville of that certain Public Utility, Drainage and Sanitary Sewer Easement, consisting of 0.01 acre, more or less, located along Old Monrovia Road for Old Monrovia Apartments in Huntsville, Alabama, and being more particularly described in the Public Utility, Drainage and Sanitary Sewer Easement attached hereto and incorporated herein (the "Utility and Drainage Easement").

BE IT RESOLVED said Public Utility, Drainage and Sanitary Sewer Easement is substantially in words and figures as that certain document attached hereto and identified as "Utility and Drainage Easement" consisting of four (4) pages, including Exhibits "A" and "B."

BE IT FURTHER RESOLVED THAT the City of Huntsville, hereby accepts donation of the Public Utility, Drainage and Sanitary Sewer Easement from Grantor and the Mayor is hereby directed and authorized to have said Public Utility, Drainage and Sanitary Sewer Easement recorded in the Probate Records of Madison County, an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 22nd day of August, 2024.

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

APPROVED this the 22nd day of August, 2024.

Mayor of the City of Huntsville, Alabama

**STATE OF ALABAMA
COUNTY OF MADISON**

UTILITY AND DRAINAGE EASEMENT

THIS CONVEYANCE made and entered into on this the 24th day of July, 2024, by and between **ECG MONROVIA, LP**, an Alabama limited partnership, as Grantor, and the **CITY OF HUNTSVILLE**, as Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable considerations to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has this day given, granted, bargained, sold and conveyed and does by these presents give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, a perpetual easement for utilities, drainage and sanitary sewer on, over, along, across, under and through the lands of the Grantor situated in Madison County, Alabama, particularly described as follows:

SEE ATTACHED EXHIBIT "A", WHICH IS DEPICTED IN ATTACHED EXHIBIT "B", WITH BOTH EXHIBITS BEING INCORPORATED HEREIN BY REFERENCE,

for the establishment, construction, installation, maintenance, repair, operation, use, replacement, relocating, upgrading, changing the size of and/or removal, at all or any time(s), of such improvements, facilities, equipment, fixtures, and appurtenances as may be necessary for the provision of electricity, telephone, cable television, communication and information services, water, gas, sanitary sewer and storm drainage, and any and all utilities together with the unimpaired right of entry and re-entry from time to time as occasion may require; the right to control, channel and/or discharge stormwater; the right to maintain said easement granted clear of trees, undergrowth and brush; and other purposes not inconsistent with the rights herein granted, with all the rights and privileges necessary or convenient for the full enjoyment and use thereof, for all the purposes above stated.

TO HAVE AND TO HOLD the above-described rights, privileges, and easement unto the City of Huntsville, a municipal corporation, and to its successors and assigns, forever.

Grantor does hereby covenant with and represent unto Grantee, its successors and assigns, that Grantor is lawfully seized in fee of the tracts or parcels of land above described; that the same are free of encumbrances except for ad valorem taxes, easements, rights of way and restrictions of record; and that it will warrant and defend the title to the same unto Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor, by its Managing Partner, who is authorized to execute this conveyance, has hereunto set its hand and seal on the day and year first written.

GRANTOR:

ECG MONROVIA, LP,
an Alabama limited partnership

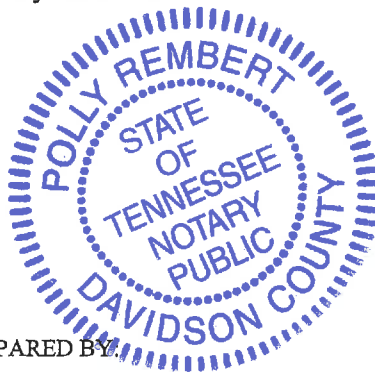
By: ECG Monrovia GP, LLC,
a Tennessee limited liability company,
Its General Partner

By: C Hunter Nelson
Name: C. Hunter Nelson
Its: Managing Member

STATE OF Tennessee)
Davidson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that C. Hunter Nelson, whose name is signed to the foregoing conveyance, as Managing Member of ECG Monrovia, GP, LLC, a Tennessee limited liability company, as General Partner of ECG Monrovia, LP, an Alabama limited partnership and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, as such Managing Member and with full authority, executed the same voluntarily for and as the act of said limited partnership on the day the same bears date.

Given under my hand and official seal on the 24th day of July, 2024.



Polly Rembert
NOTARY PUBLIC
My commission expires: 9/2/2024

THIS INSTRUMENT PREPARED BY
William Blackwell
Halliburton Surveying & Mapping, Inc.
412 Governors Drive SW
Huntsville, AL 35801
256-924-0042

EXHIBIT "A"

A TRACT OF LAND BEING A PART OF LOT 1, ACCORDING TO THE BOUNDARY PLAT OF OLD MONROVIA APARTMENTS AS RECORDED IN PLAT BOOK 2021 PAGE 27586 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND ALSO BEING SITUATED IN THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 1/2 INCH REBAR CAPPED "HSM CA #1031" BEING THE NORTHEAST CORNER OF SAID LOT 1 AND LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD MONROVIA ROAD; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID LOT 1 SOUTH 01 DEGREE 44 MINUTES 07 SECONDS WEST A DISTANCE OF 356.16 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 46 DEGREES 33 MINUTES 25 SECONDS WEST A DISTANCE OF 30.76 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED:

THENCE SOUTH 46 DEGREES 33 MINUTES 25 SECONDS WEST A DISTANCE OF 9.50 FEET TO A POINT; THENCE NORTH 01 DEGREE 30 MINUTES 31 SECONDS EAST A DISTANCE OF 28.26 FEET TO A POINT; THENCE NORTH 46 DEGREES 33 MINUTES 25 SECONDS EAST A DISTANCE OF 16.11 FEET TO A POINT; THENCE SOUTH 09 DEGREES 35 MINUTES 49 SECONDS WEST A DISTANCE OF 33.26 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS 256 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

EXHIBIT "B"

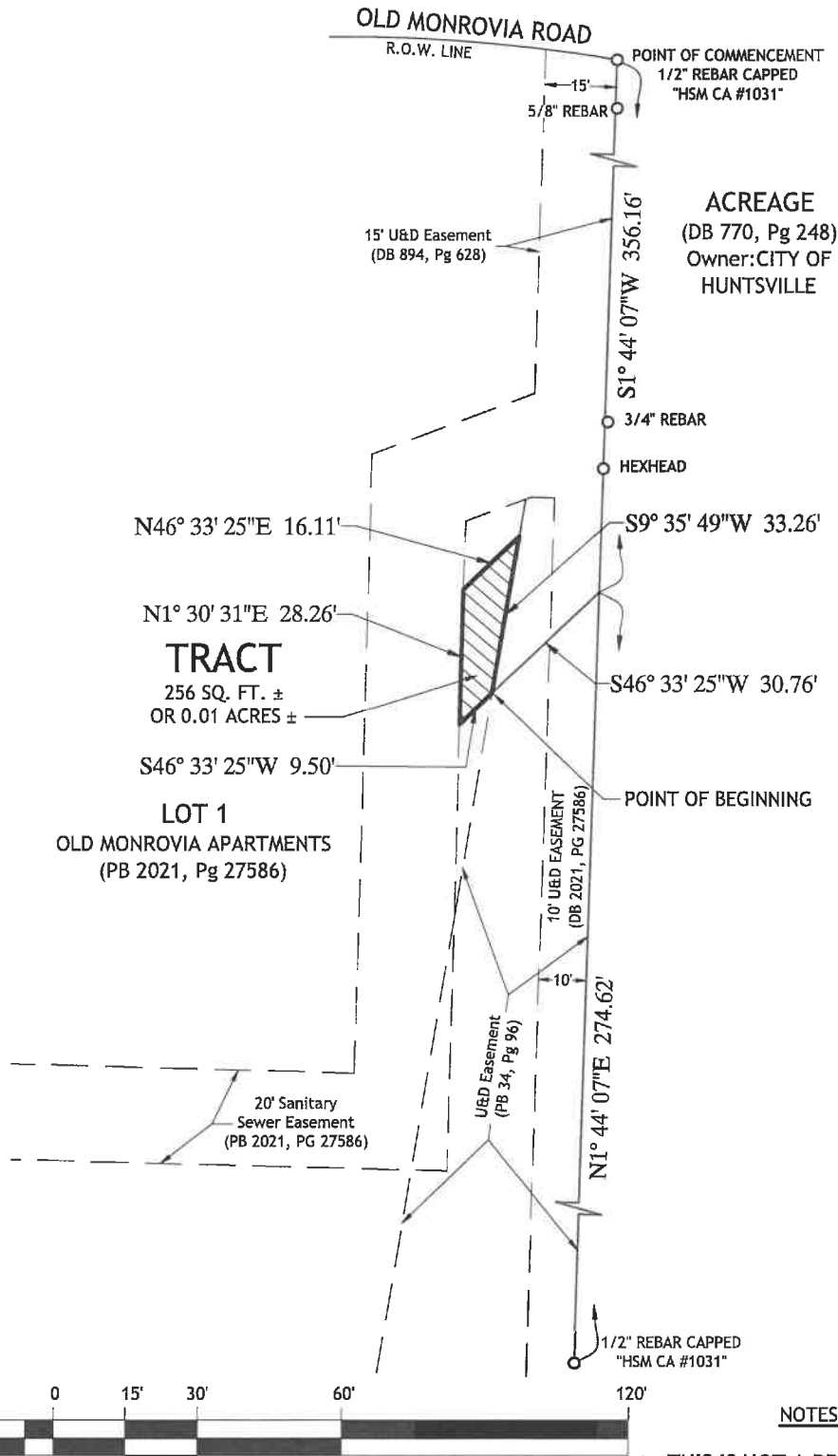
FOR LOT 1, OLD MONROVIA APARTMENTS

PB: 2021, PG: 27586

HUNTSVILLE, AL



GRID NORTH



NOTES:

1. **THIS IS NOT A PROPERTY BOUNDARY SURVEY.**
2. The purpose of this exhibit is to accompany a legal description for a Utility & Drainage Easement.
3. The unit of measurement shown hereon are decimals of a US Survey foot.



HALLIBURTON
SURVEYING & MAPPING, INC.

PO BOX 18652
HUNTSVILLE, AL 35804
P: 256.503.4639
gohsm.com

SCALE

1" = 30'

DATE

07/23/2024

JOB NO.

20-100

DRAWN BY

BVK

CHECKED BY

CTH

SHEET NO.

1