



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/13/2023

File ID: TMP-3116

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lot 3A, Cliffs Edge Subdivision Phase II, 3030 Cliffs Edge Circle. (Ward-Duda)

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: 3030 Cliffs Edge Circle

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 portion of a utility and drainage easement; that the applicants has represented to the City of Huntsville that **William Zacary Ward and Megan Joy Duda**, 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:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

John R. Baggette, Jr.
LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Ave., Ste. 102
Huntsville, Alabama 35805
(256) 535-1100

STATE OF ALABAMA)

COUNTY OF MADISON)

QUITCLAIM DEED

THIS QUITCLAIM DEED made and entered into on this 13 day of July 2023 by and between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation, ("Grantor") and WILLIAM ZACARY WARD and MEGAN JOY DUDA ("Grantees").

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash and other good and valuable consideration, this day in hand paid to the Grantor by the Grantees, the receipt and sufficiency of all of which is hereby expressly acknowledged by the Grantor, the Grantor has this day remised, released, quitclaimed, conveyed and confirmed and does, by these presents, remise, release, quitclaim, convey and confirm, unto the said Grantees, for and during their JOINT LIVES as joint tenants and upon the death of either of them, then to the SURVIVOR of them in fee simple, together with every contingent remainder and right of reversion, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to wit:

ALL THAT PART OF LOT 3A, CLIFFS EDGE SUBDIVISION PHASE II, AS RECORDED IN PLAT BOOK 2023, PAGE 154, SECTION 9, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3A, CLIFFS EDGE SUBDIVISION PHASE II, HAVING ALABAMA STATE PLANE EAST ZONE NAD '83 COORDINATES N: 1532979.71 E: 444766.21; THENCE SOUTH 47°51'23" EAST 136.74 FEET TO THE SOUTH LINE OF AN EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN SAID PLAT BOOK 2023, PAGE 154 AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTH LINE OF SAID PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN SAID PLAT BOOK 2023, PAGE 154, NORTH 89°54'43" EAST 26.10 FEET; THENCE ALONG THE NORTH LINE OF AN EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 40, PAGE 82 AND BEING A CURVE TO THE LEFT 58.67 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET, A DELTA OF 84°03'39", AND A CHORD BEARING AND DISTANCE OF NORTH 89°54'43" EAST 53.55 FEET TO SAID PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 2023, PAGE 154; THENCE ALONG SAID PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 2023, PAGE 154 NORTH 89°54'43" EAST 3.17 FEET; THENCE ALONG SAID EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 2023, PAGE 154 AND BEING A CURVE TO THE LEFT 11.25 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A DELTA OF 12°53'43", AND A CHORD BEARING AND DISTANCE OF NORTH 83°32'35" EAST 11.23 FEET; THENCE ALONG SAID EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 40, PAGE 82 AND BEING A CURVE TO THE RIGHT 84.23 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A DELTA OF 96°30'54", AND A CHORD BEARING AND DISTANCE OF SOUTH 82°52'29" WEST 74.61 FEET; THENCE ALONG SAID EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT RECORDED IN PLAT BOOK 40, PAGE 82 AND BEING A CURVE TO THE LEFT 21.92 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A DELTA OF 41°51'35", AND A CHORD BEARING AND DISTANCE OF NORTH 68°28'22" WEST 21.43 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.018 ACRES (786 SQUARE FEET) MORE OR LESS.

TO HAVE AND TO HOLD unto the said Grantees, for and during their JOINT LIVES as joint tenants and upon the death of either of them, then to the SURVIVOR of them in fee simple, together with every contingent remainder and right of reversion and to the heirs and assigns of such survivor forever.

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:	P.O. Box 308, Huntsville, AL 35804
Grantee's Address:	
Property Address:	Cliffs Edge Circle, Madison County, Alabama
Actual Value:	\$500.00 – Nominal to Perfect Title

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal on the day and year first above written.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle, Mayor

ATTESTED:

By: _____
Shaundrika Edwards, City Clerk

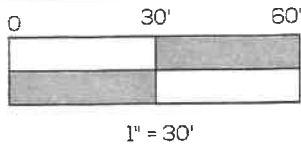
STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for the above County, in said State, hereby certify that Tommy Battle, as Mayor, and Shaundrika Edwards, as City Clerk, respectively of the City of Huntsville, Alabama, a 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 the said City of Huntsville, Alabama, a municipal corporation, on the day the same bears date.

Given under my hand this the 13 day of July 2023.

NOTARY PUBLIC
My Commission Expires:

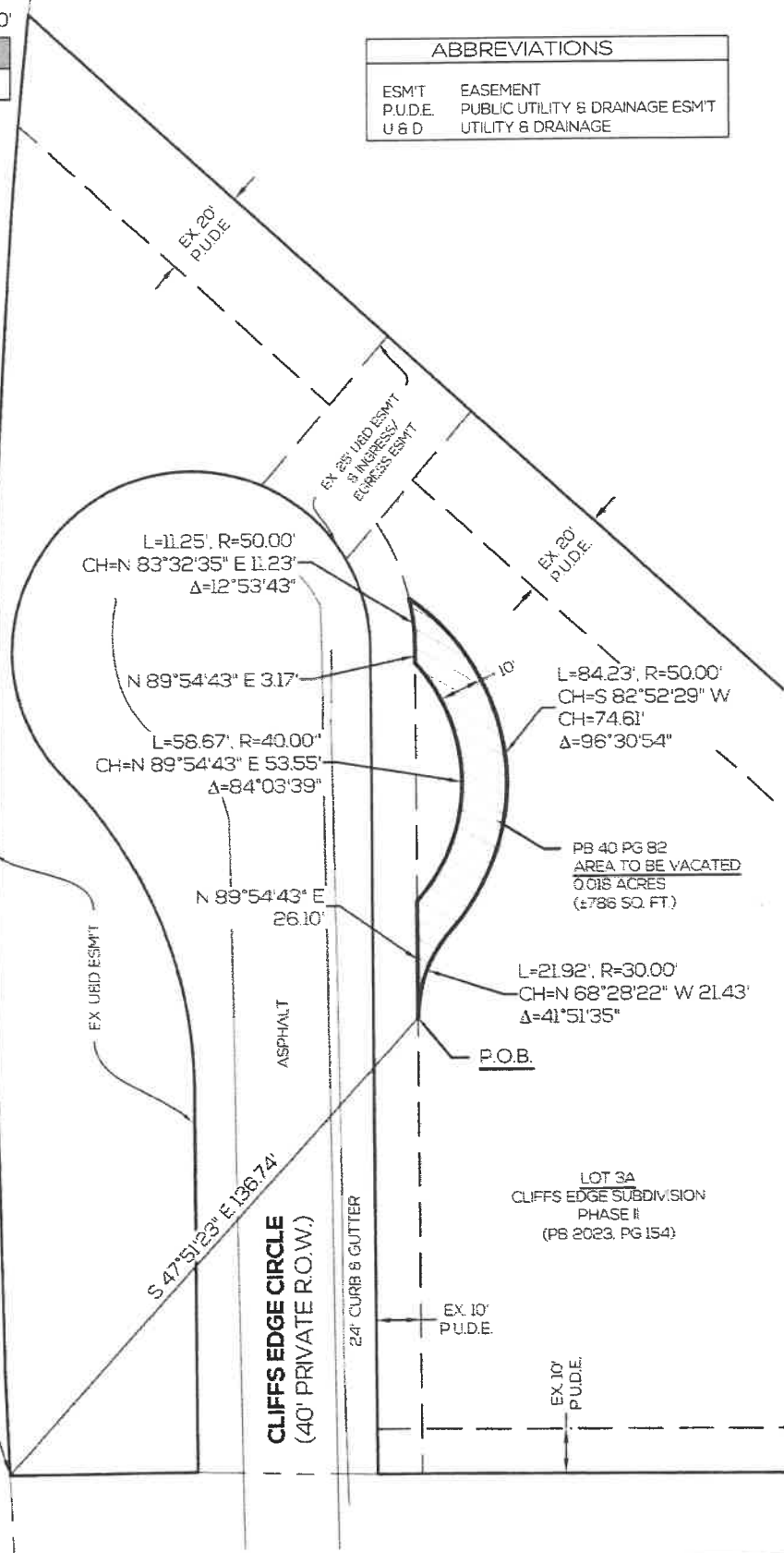


GENERAL NOTES:
NORTH ARROW AND
COORDINATES AS SHOWN
HEREON ARE BASED ON
ALABAMA STATE PLANE
COORDINATE SYSTEM EAST
ZONE NAD '83.

ABBREVIATIONS	
ESMT	EASEMENT
P.U.D.E.	PUBLIC UTILITY & DRAINAGE ESMT
U & D	UTILITY & DRAINAGE

**GOVERNORS DRIVE
(U.S. HIGHWAY 431)
(200' PUBLIC R.O.W.)**

**P.O.C.
NW CORNER
OF LOT 3A,
CLIFFS EDGE
SUBDIVISION
PHASE II
(PB 2023, PG 154)
N: 1532979.71
E: 444766.21**



EASEMENT VACATION EXHIBIT

JOB NO. 21212.H0
SCALE: 1" = 30'
SHT. NO.
1 OF **2**

DRAWN BY:
J. MOTHERSHEAD
OFFICE DATE:
5/3/2023
CHECKED BY:
B. PROCTOR
SECTION 9, TOWNSHIP 4 SOUTH, RANGE 1 EAST
CITY OF HUNTSVILLE, MADISON COUNTY,
ALABAMA

Civil Engineering | Land Surveying | Landscape Architecture
Environmental | Water Resources | Laser Scanning + Modeling



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EASEMENT VACATION DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

ALL THAT PART OF LOT 3A, CLIFFS EDGE SUBDIVISION PHASE II, AS RECORDED IN PLAT BOOK 2023, PAGE 154, SECTION 9, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EASEMENT VACATION EXHIBIT

JOB NO.: 21212 HG

DRAWN BY: _____
J. MOTHERSHEAD
OFFICE DATE: _____
5/3/2023
CHECKED BY: _____
B. PROCTOR

SHT. NO.

2 OF 2

SECTION 9, TOWNSHIP 4 SOUTH, RANGE 1 EAST
CITY OF HUNTSVILLE, MADISON COUNTY
ALABAMA

Civil Engineering | Land Surveying | Landscape Architecture
Environmental | Water Resources | Laser Scanning + Modeling

SCHÖEL

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Huntsville, Alabama 35802
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Ordinance No. 23-_____ **(Cont.)**

ADOPTED this the 13th day of July, 2023.

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

APPROVED this the 13th day of July, 2023.

Mayor of the City of
Huntsville, Alabama