



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 7/11/2024

**File ID:** TMP-4218

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easements Condominium Plat Bentley Family Properties, 1220C North Memorial Parkway.

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:** 1220C North Memorial Parkway

**District:** District 1  District 2  District 3  District 4  District 5

**Additional Comments:**

**ORDINANCE NO. 24-\_\_\_\_\_**

**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 applicant has represented to the City of Huntsville that **Bentley Family Properties, 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:

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(Space Above Line for Use by Recording Office)

**THIS INSTRUMENT PREPARED BY:**

Fred L. Coffey, 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 11 day of July 2024 by and between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation, ("Grantor") and BENTLEY FAMILY PROPERTIES, LLC, an Alabama limited liability company ("Grantee").

**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 Grantee, 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 Grantee, 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:

**LEGAL DESCRIPTION EASEMENT VACATION NO. 1**

All that part of the Southeast Quarter of Section 26, Township 3 South, Range 1 West, Madison County, Alabama more particularly described as follows:

COMMENCING at the southeast corner of Lot 2C of a RESUB of LOT 2 of HUSKEY PLAZA as recorded in Document Number 20051109000765140 in the office of the Judge of Probate Madison County, Alabama. This point is North 2 degrees 31 minutes East 393.21 feet from the purported center of the south boundary of Section 26, Township 3 South, Range 1 West.

THENCE North 02 degrees 31 minutes 08 seconds East a distance of 337.16 feet to a point;  
THENCE South 89 degrees 09 minutes 08 seconds East a distance of 5.00 to a point;  
said point is also the TRUE POINT OF BEGINNING:

THENCE from the TRUE POINT OF BEGINNING

North 02 degrees 31 minutes 08 seconds East a distance of 5.00 feet to a point;  
THENCE South 89 degrees 09 minutes 08 seconds East a distance of 294.44 feet to a point;  
THENCE South 00 degrees 25 minutes 05 seconds East a distance of 10.00 feet to a point;  
THENCE North 89 degrees 09 minutes 08 seconds West a distance of 294.96 feet to a point;  
THENCE North 02 degrees 31 minutes 08 seconds East a distance of 4.96 feet to the  
TRUE POINT OF BEGINNING and containing 0.07 acres or 2946.99 square feet more or less.

Also,

LEGAL DESCRIPTION EASEMENT VACATION NO. 2

All that part of the Southeast Quarter of Section 26, Township 3 South, Range 1 West, Madison County, Alabama more particularly described as follows:

COMMENCING at the southeast corner of Lot 2C of a RESUB of LOT 2 of HUSKEY PLAZA as recorded in Document Number 20051109000765140 in the office of the Judge of Probate Madison County, Alabama. This point is North 2 degrees 31 minutes East 393.21 feet from the purported center of the south boundary of Section 26, Township 3 South, Range 1 West.

THENCE North 88 degrees 07 minutes 44 seconds West along the north margin of Cook Avenue a distance of 30.00 feet to a point;  
THENCE North 02 degrees 31 minutes 20 seconds East a distance of 297.10 to a pk nail found;  
said point is also the TRUE POINT OF BEGINNING:

THENCE from the TRUE POINT OF BEGINNING

South 02 degrees 31 minutes 20 seconds West a distance of 5.00 feet to a point;  
THENCE North 88 degrees 43 minutes 36 seconds West a distance of 275.54 feet to a point;  
THENCE North 03 degrees 50 minutes 07 seconds East a distance of 10.01 feet to a point;  
THENCE South 88 degrees 43 minutes 36 seconds East a distance of 275.31 feet to a point;  
THENCE South 02 degrees 31 minutes 20 seconds West a distance of 5.00 feet to the  
TRUE POINT OF BEGINNING and containing 0.06 acres or 2754.24 square feet more or less.

**TO HAVE AND TO HOLD** unto the said Grantee, its successors and assigns 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: 300 Williams Avenue, Huntsville, AL 35801  
Property Address: Memorial Parkway N, Huntsville, AL 35801  
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 Saundrika 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 11 day of July 2024.

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NOTARY PUBLIC  
My Commission Expires:

**Ordinance No. 24-**\_\_\_\_\_ **(Cont.)**

**ADOPTED** this the 11th day of July, 2024.

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

**APPROVED** this the 11th day of July, 2024.

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Mayor of the City of  
Huntsville, Alabama