

ORDINANCE NO. 22-_____

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 utility and drainage easements; that the applicants have represented to the City of Huntsville that **The Friends Forever Family, LLC**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

This Instrument prepared by:

Benjamin W. Hutton
Bradley Arant Boult Cummings LLP
200 Clinton Avenue West, Suite 900
Huntsville, Alabama 35801
(256) 517-5100

The following information is offered in lieu of submitting an RT-1 Real Estate Sales Validation Form pursuant to Section 40-22-1 of the Code of Alabama (1975):

RECORDING USE ONLY

Grantor's Name/Mailing

Address:

City of Huntsville, Alabama
308 Fountain Circle
P.O. Box 308
Huntsville, Alabama 35801

Grantee's Name/Mailing

Address:

The Friends Forever Family LLC
785 Beth Road
New Market, Alabama 35761

Property address: n/a

Date of sale: January __, 2022

Purchase price: n/a

The purchase price or actual value claimed in this instrument can be verified in the following documentary evidence:

☐ Bill of Sale ☐ Sales Contract ☐ Closing Statement ☐ Appraisal ☒ Other

QUITCLAIM DEED FOR VACATION OF EASEMENT

WHEREAS, the **City of Huntsville, Alabama** (the "Grantor") is the holder of a utility and drainage easement as shown in Instrument Number 2019-4127, recorded in the Office of the Judge of Probate of Madison County, and more particularly described on Exhibit A attached hereto (the "Easement Property"); and

WHEREAS, the Grantor has agreed to vacate the Easement Property and to convey all of its right, title and interest in and to the Easement Property to **The Friends Forever Family LLC**, a Georgia limited liability company (the "Grantee").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, does hereby remise, release, and forever quitclaim to the Grantee, all its right, title, interest and claim in and to the Easement Property.

Grantor attests, to the best of its knowledge and belief, that the information submitted in the legend at the beginning of this Deed in lieu of the RT-1 Real Estate Sales Validation Form is true and accurate, and Grantor understands that any false statements contained in such information may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1(h).

TO HAVE AND TO HOLD the Easement Property unto the Grantee forever.

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IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on or as of the 10th day of March, 2022.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Tommy Battle, Mayor

Attest: _____
Ken Benion, Clerk Treasurer

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 Ken Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 corporation on the day the same bears day.

Given under my hand and official seal this the 10th day of March, 2022.

Notary Public

[NOTARIAL SEAL]

My commission expires: _____

EXHIBIT A

Property Description

STATE OF ALABAMA
COUNTY OF MADISON

EASEMENT "A" - PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE VACATED

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA, AND BEING A 10-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE OF LOTS 9 AND 10 OF FRIENDSHIP COMMONS PHASE II AS RECORDED IN DOCUMENT NO. 2019-00004127 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1570608.42, EAST: 456475.65, AND BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF WINCHESTER ROAD (RIGHT-OF-WAY WIDTH VARIES); THENCE, ALONG SAID COMMON LOT LINE, RUN SOUTH 25 DEGREES 47 MINUTES 52 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID COMMON LOT LINE, RUN PARALLEL TO SAID SOUTH RIGHT-OF-WAY MARGIN, NORTH 64 DEGREES 12 MINUTES 08 SECONDS EAST, 5.00 FEET TO A POINT; THENCE SOUTH 25 DEGREES 47 MINUTES 52 SECONDS EAST, 250.00 FEET TO A POINT WHICH LIES 10.00 FROM THE NORTH RIGHT-OF-WAY MARGIN OF FRIENDS CROSSING (50-FOOT WIDE RIGHT-OF-WAY); THENCE RUN PARALLEL TO SAID NORTH MARGIN SOUTH 64 DEGREES 12 MINUTES 08 SECONDS WEST, 10.00 FEET TO A POINT; THENCE NORTH 25 DEGREES 47 MINUTES 52 SECONDS WEST, 250.00 FEET TO A POINT WHICH LIES 15.00 FEET FROM SAID SOUTH RIGHT-OF-WAY MARGIN OF WINCHESTER ROAD; THENCE RUN PARALLEL TO SAID SOUTH MARGIN NORTH 64 DEGREES 12 MINUTES 08 SECONDS EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2500 SQUARE FEET) MORE OR LESS.

EASEMENT "B" - PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE VACATED

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA, AND BEING A 10-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT CENTERED ALONG THE COMMON LOT LINE OF LOTS 8 AND 9 OF FRIENDSHIP COMMONS PHASE II AS RECORDED IN DOCUMENT NO. 2019-00004127 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 8 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1570677.36, EAST: 456618.27, AND BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF WINCHESTER ROAD (RIGHT-OF-WAY WIDTH VARIES); THENCE, ALONG SAID COMMON LOT LINE, RUN SOUTH 25 DEGREES 47 MINUTES 52 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID COMMON LOT LINE, RUN PARALLEL TO SAID SOUTH RIGHT-OF-WAY MARGIN, NORTH 64 DEGREES 12 MINUTES 08 SECONDS EAST, 5.00 FEET TO A POINT; THENCE SOUTH 25 DEGREES 47 MINUTES 52 SECONDS EAST, 250.00 FEET TO A POINT WHICH LIES 10.00 FROM THE NORTH RIGHT-OF-WAY MARGIN OF FRIENDS CROSSING (50-FOOT WIDE RIGHT-OF-WAY); THENCE RUN PARALLEL TO SAID NORTH MARGIN SOUTH 64 DEGREES 12 MINUTES 08 SECONDS WEST, 10.00 FEET TO A POINT; THENCE NORTH 25 DEGREES 47 MINUTES 52 SECONDS WEST, 250.00 FEET TO A POINT WHICH LIES 15.00 FEET FROM SAID SOUTH RIGHT-OF-WAY MARGIN OF WINCHESTER ROAD; THENCE RUN PARALLEL TO SAID SOUTH MARGIN NORTH 64 DEGREES 12 MINUTES 08 SECONDS EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2500 SQUARE FEET) MORE OR LESS.

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 10th day of March, 2022.

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

APPROVED this the 10th day of March, 2022.

Mayor of the City of
Huntsville, Alabama