



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 3/28/2024

File ID: TMP-4034

Department: Planning

Subject:

Type of Action: Approval/Action

Resolution to set a public hearing on the vacation of a portion of a right-of-way located at 600 Franklin Street, and the introduction of a Resolution consenting to, and the introduction of an Ordinance vacating the portion of the right-of-way pertaining to the same. (Williams) (Set April 25, 2024, Regular Council Meeting)

Resolution No.
Resolution No.
Ordinance No.

Does this item need to be published?

If yes, please list preferred date(s) of publication: 4/3/2024; 4/10/2024; 4/17/2024; and 4/24/2024

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:

Address: 600 Franklin Street, Huntsville, AL

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, within the State of Alabama, as follows:

1. That **Thomas Williams and Carlen Williams, husband and wife**, are the sole landowners abutting the property hereinafter described, submitted an application for the vacation of Right-of-way being and lying in Madison County, and being more particularly described as follows (the “Right-of-way” or the “Property”):

SEE EXHIBIT “A” - “PETITION FOR VACATION OF RIGHT-OF-WAY”

SEE EXHIBIT “B” - “DECLARATION OF VACATION OF RIGHT-OF-WAY”

SEE EXHIBIT “C” – “PUBLIC HEARING NOTICE”

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-way at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, April 25, 2024; and

3. That notice of the vacation of the Right-of-way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the City Clerk is hereby ordered to have public hearing notice contained in Exhibit “C” attached hereto (“Public Notice”), immediately published in *The Speakin’ Out News* for four consecutive weeks, with said notice to run beginning on April 3, April 10, April 17, and April 24, 2024.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 28th day of March, 2024.

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

APPROVED this the 28th day of March, 2024.

Mayor of the City of
Huntsville, Alabama

EXHIBIT "A"

STATE OF ALABAMA)
MADISON COUNTY)

PETITION FOR VACATION OF RIGHT-OF-WAY

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned Carlen and Thomas Williams, being the owners of all lands abutting the portion or public way described on **Exhibit A** attached hereto and incorporated herein by reference (the "right-of-way"), pursuant to Section 23-4-20 of the Alabama Code of 1975, do hereby petition the City Council of the City of Huntsville, Alabama, to declare the right-of-way vacated and divested out of the public.

The said owners do further represent and warrant that, after vacation of the right-of-way, convenient means of ingress and egress to and from its properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes.

Accordingly, the undersigned owners respectfully petition and request that the City Council of the City of Huntsville, Alabama, give such notices, set and conduct such public hearings, adopt such resolutions and ordinances, and take such other actions, all as are necessary to vacate the Right-of-way as required by applicable law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the 6 day of March, 2024.

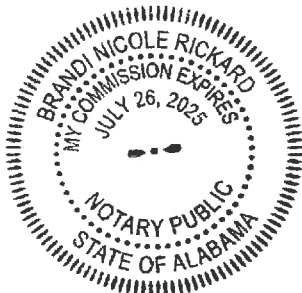
[Signature]

[Signature]

STATE OF ALABAMA)
MADISON COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Carlen & Thomas Williams whose names 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 executed the same on the day the same bears date.

GIVEN under my hand and official seal this the 6th day of March, 2024.



Brandi Nicole Rickard
Notary Public
My Commission Expires: July 26, 2025

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Carlen Thomas Williams, whose name as owners of 600 Franklin St., ~~a corporation~~, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he/she, as such representative, and with full authority, executed the same voluntarily for, and as the act of, said corporation, acting in said capacity, as aforesaid.

Given under my hand and official seal of office, this the 6th day of March, 2024.



Brandi Nicole Rickard

Notary Public

My Commission Expires:

July 26, 2025

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Carlen Williams & Thomas Williams desiring to vacate that certain right-of-way hereinafter described, say as follows:

1. That the said Owners are the owners of all the land abutting the hereinafter described right-of-way; and
2. WHEREAS, convenient and adequate means of ingress and egress are available to the owners of the surrounding property; and
3. WHEREAS, the said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City; and
4. WHEREAS, the undersigned, by this instrument, declare their intent to vacate the said right-of-way, hereinafter described; and
5. WHEREAS, it may be necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, as the owners of all property abutting the said right-of-way hereinafter described, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said easement vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

SEE EXHIBIT "A"

The above-described property shall remain subject to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

IN WITNESS WHEREOF, the undersigned owners of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 6 day of March, 2024.

Carlen Williams & Thomas Williams
By: Carlen Williams & Thomas Williams
Name:
Its: Owners, 600 Franklin St.

(Public Hearing Notice to be Published)

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 308 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, April 25, 2024.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of Right-of-way which runs along Neal Alley off of Franklin Street which is more particularly described as follows:

Legal Description of Right-of-Way

(Portion of Neal Alley)

STATE OF ALABAMA
MADISON COUNTY

All that part of Block 211 of the Quigley Map to the City of Huntsville, Alabama, with the bearings and coordinates shown hereon being based on the Alabama State Plane Coordinate System, East Zone, NAD 83, and described as follows: Commencing at a ½ inch rebar found at the intersection of the Westerly right of way margin of Franklin Street and the Northerly right of way margin of Neal Alley (Northing: 1,538,466.48; Easting: 431,357.80); thence along the Northerly margin of said Neal Alley, South 58 degrees 26 minutes 00 seconds West 91.61 feet to the Point of Beginning of the herein described parcel or tract.

Thence from the Point of Beginning continue South 58 degrees 26 minutes 00 seconds West 36.54 feet; Thence leaving said margin, North 31 degrees 34 minutes 00 seconds West 0.70 feet; Thence North 58 degrees 16 minutes 35 seconds East 36.54 feet; Thence South 31 degrees 34 minutes 00 seconds East 0.80 feet to the Point of Beginning and containing 27 square feet, more or less.

This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities known to have facilities or equipment within the public Right-of-way or Utility and Drainage Easement of the street to be vacated, as their names and addresses appear on roll in the Madison County Revenue Commissioner's office or Madison County Tax Assessor's office, and shall be posted at the Madison County Courthouse and at Huntsville City Hall. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 308 Fountain Circle, 2nd Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.

RESOLUTION NO. 24-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That the Thomas Williams and Carlen Williams, are the sole landowners abutting the property hereinafter described, made application for the vacation of that certain Right-of-way more particularly described as follows (the "Right-of-way" or the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

2. That notice of the vacation of the Right-of-way has been given as required by Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended, and a public hearing held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the designated portion of Right-of-way and all public rights therein, convenient and reasonable means of ingress and egress to and from the respective property will be afforded to all property owners owning property in or near the Right-of-way by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the designated portion of Right-of-way and that the vacation of the designated portion of Right-of-way is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of that portion of the Right-of-way as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the Right-of-way. Title and all public rights shall vest in the abutting landowners, Thomas Williams and Carlen Williams, husband and wife.

6. That notice of this resolution shall be published in *The Speakin' Out News* no later than fourteen (14) days from the date hereof.

NOW THEREFORE, be it resolved by the City Council of the City of Huntsville that they do hereby assent to the said vacation of the herein described portion of Right-of-way and that the above described Property be and the same is hereby vacated and annulled and all public rights therein divested of the Property.

ADOPTED this the 25th day of April, 2024.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 25th day of April, 2024.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Legal Description of Right-of-Way

STATE OF ALABAMA
MADISON COUNTY

All that part of Block 211 of the Quigley Map to the City of Huntsville, Alabama, with the bearings and coordinates shown hereon being based on the Alabama State Plane Coordinate System, East Zone, NAD 83, and described as follows: Commencing at a ½ inch rebar found at the intersection of the Westerly right of way margin of Franklin Street and the Northerly right of way margin of Neal Alley (Northing: 1,538,466.48; Easting: 431,357.80); thence along the Northerly margin of said Neal Alley, South 58 degrees 26 minutes 00 seconds West 91.61 feet to the Point of Beginning of the herein described parcel or tract.

Thence from the Point of Beginning continue South 58 degrees 26 minutes 00 seconds West 36.54 feet; Thence leaving said margin, North 31 degrees 34 minutes 00 seconds West 0.70 feet; Thence North 58 degrees 16 minutes 35 seconds East 36.54 feet; Thence South 31 degrees 34 minutes 00 seconds East 0.80 feet to the Point of Beginning and containing 27 square feet, more or less.

INTRODUCED

ADOPTED

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 portion of a certain right-of-way; that the applicants have represented to the City of Huntsville that **Thomas Williams and Carlen Williams, husband and wife**, are the owners of the property across which said right-of-way lies; that said right-of-way, 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 right-of-way hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED FOR PARTIAL VACATION OF RIGHT OF WAY

WITNESSETH: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, (“Grantor”), in consideration of Ten Dollars (\$10.00) in hand paid by **THOMAS WILLIAMS AND CARLEN WILLIAMS, husband and wife** (“Grantees”), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the Grantees all of the Grantor’s right, title, interest and claim in and to the real estate situated in the City of Huntsville, County of Madison, State of Alabama, and described on **Exhibit A** attached hereto, and graphically depicted on **Exhibit B** attached hereto.

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

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed on its behalf by its Mayor and attested by its City Clerk, effective as of the 25 day of April, 2024.

CITY OF HUNTSVILLE, ALABAMA
a municipal corporation

By : _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika 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, 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 instrument, they, as officers and with full authority, executed the same voluntarily for and as the act of said corporation as of the day the same bears date.

GIVEN under my hand and seal on this 25 day of April, 2024.

Notary Public
My Commission Expires:

[SEAL]

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 RT-1:

Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801
Grantees' Address: 600 Franklin Street, Huntsville, AL 35801
Property Address: Partial right of way vacation of Neal Alley within Block 211 of the Quigley Map to
 the City of Huntsville, Alabama, 35801
Purchase Price: \$0 – Nominal for vacation of right of way margin

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION AND ISSUED NO TITLE OPINION OR TITLE INSURANCE.

This Instrument Prepared By:
Carlen Williams
600 Franklin Street
Huntsville, AL 35801
(256) 529-5133

EXHIBIT A

Property Description

**STATE OF ALABAMA
COUNTY OF MADISON**

All that part of Block 211 of the Quigley Map to the City of Huntsville, Alabama with the bearings and coordinates shown hereon being based on the Alabama State Plane Coordinate System, East Zone, NAD 83, and described as follows: Commencing at a 1/2 inch rebar found at the intersection of the Westerly right of way margin of Franklin Street and the Northerly right of way margin of Neal Alley (Northing: 1,538,466.48; Easting: 431,357.80); Thence along the Northerly margin of said Neal Alley, South 58 degrees 26 minutes 00 seconds West 91.61 feet to the Point of Beginning of the herein described parcel or tract.

Thence from the Point of Beginning continue South 58 degrees 26 minutes 00 seconds West 36.54 feet; Thence leaving said margin, North 31 degrees 34 minutes 00 seconds West 0.70 feet; Thence North 58 degrees 16 minutes 35 seconds East 36.54 feet; Thence South 31 degrees 34 minutes 00 seconds East 0.80 feet to the Point of Beginning and containing 27 square feet, more or less.

ORDINANCE NO. 24- ____ (Cont.)

ADOPTED this the 25th day of April, 2024.

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

APPROVED this the 25th day of April, 2024.

Mayor of the City of Huntsville, Alabama