



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 6/27/2024

File ID: TMP-4328

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a right-of-way in Kildare Estates, Block 1-5, 1315 Meridian Street and 113 Oakwood Avenue.

Ordinance No. 24-356

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: 1315 Meridian Street and 113 Oakwood Avenue

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

Additional Comments:

ORDINANCE NO. 24-356

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 right-of-way; that the applicants have represented to the City of Huntsville that **113 Oakwood, LLC**, and **Rishi and Tilak, LLC**, 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 quitclaim deeds vacating the right-of-way hereinafter described, said deeds being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as “Grantor”, in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **113 OAKWOOD, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AS EXCHANGE ACCOMMODATION TITLEHOLDER, UNDER THAT CERTAIN QUALIFIED EXCHANGE AGREEMENT DATED NOVEMBER 30, 2023**, hereinafter referred to as “Grantee”, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the said Grantee, all of the Grantor’s right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the West Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00’ feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates, thence North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, said point is also located North 20 degrees 17 minutes 44 seconds East a distance of 65.49 feet from a 1 inch hollow pipe stamped found at the Southeast Corner of said Lot 25, Block 2, Kildare Subdivision of McCormick Estates, thence along said East Boundary Line of Lot 25, Block 2, Kildare Subdivision of McCormick Estates, North 20 degrees 17 minutes 44 seconds East a distance of 161.91 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, South 20 degrees 17 minutes 44 seconds West a distance of 163.84 feet to The Point Of Beginning. Containing 921.5 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

SUBJECT TO all Right of Ways and any easements recorded or unrecord.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, all of Grantor's right, title, interest and claim in and to the above described real estate.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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, on this the 27 day of June, 2024.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Shaundrika Edwards, City Clerk

By: _____
Tommy Battle, Mayor

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 such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 27th day of June, 2024.

Notary Public
My Commission Expires: _____

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:

Date of Transfer: _____, 2024
Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801
Grantee's Address: 8624 Memorial Parkway SW, Huntsville, AL 35802
Property Address: Vacation of easement at 113 Oakwood Ave, Huntsville, AL 35801
Purchase Price: \$0 – Nominal value for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by: MATTHEW R. HARRISON, HARRISON & GAMMONS, P.C., 2430 L&N Drive, Huntsville, AL 35801, 256-533-7711 (HG)

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **RISHI & TILAK, LLC, an Alabama limited liability company**, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the said Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part of the Southwest Quarter of Section 25, Township 3 South, Range 1 West of the Huntsville Meridian, Madison County, Alabama, being the East Half of an Alleyway easement to be vacated, said Alleyway is located along the West Boundary Line of Lot 16 thru 24, Block 2, Kildare Subdivision of McCormick Estates and along the East Boundary Line of part of Lot 25, Block 2, Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama, more particularly described as:

Commencing at a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at Southeast corner of Lot 16, Block 2, Kildare Subdivision of McCormick Estates, said corner is also located on the West margin of an 80 foot right-of-way for Meridian Street, thence leaving said West margin of a 80 foot right-of-way for Meridian Street, North 69 degrees 42 minutes 16 seconds West a distance of 100.00' feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Southwest Corner of said Lot 16, Block 2, Kildare Subdivision of McCormick Estates and the Point Of Beginning.

Thence from the Point Of Beginning continue North 69 degrees 42 minutes 16 seconds West a distance of 5.66 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set at the Center Line of an Alleyway easement, thence along said Center Line of said Alleyway easement, North 20 degrees 17 minutes 44 seconds East a distance of 163.84 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the South margin of an 80 foot right-of-way for Oakwood Avenue, thence along said South margin of an 80 foot right-of-way for Oakwood Avenue, South 88 degrees 33 minutes 01 seconds East a distance of 5.98 feet to a 5/8 inch capped rebar stamped (HLSS INC CA0670LS) set on the West Boundary Line of Lot 24, Block 2, Kildare Subdivision of McCormick Estates, thence along Lot 24, 23, 22, 21, 20, 19, 18, 17, and 16 Kildare Subdivision of McCormick Estates, South 20 degrees 17 minutes 44 seconds West a distance of 165.77 feet to The Point Of Beginning. Containing 932.6 square feet more or less and being a part of an Alleyway located in Block 2 of Kildare Subdivision of McCormick Estates as shown by map or plat of said addition, on file and of record in Plat Book 1, Page 164, in the Office of the Judge of Probate of Madison County, Alabama, situated, lying and being in Madison County, Alabama.

SUBJECT TO all Right of Ways and any easements recorded or unrecorded.

GRANTOR hereby EXCEPTS AND RESERVES an Easement for the purpose of a Utility and Drainage Easement in, on, over and under the entirety of the above described property, including but not limited to the existing storm structures and drainage features.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever, all of Grantor's right, title, interest and claim in and to the above described real estate.

[ALL SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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, on this the 27 day of June, 2024.

ATTEST:

**CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation**

By: _____
Shaundrika Edwards, City Clerk

By: _____
Tommy Battle, Mayor

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 such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 27th day of June, 2024.

Notary Public
My Commission Expires: _____

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:

Date of Transfer: _____, 2024
Grantor's Address: 308 Fountain Circle, Huntsville, AL 35801
Grantee's Address: 1315 Meridian Street, Huntsville, AL 35801
Property Address: Vacation of easement at 1315 Meridian Street, Huntsville, AL 35801
Purchase Price: \$0 – Nominal value for vacation of easement

THIS INSTRUMENT WAS PREPARED BASED UPON INFORMATION PROVIDED BY THE GRANTEE. NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER OF THIS DEED AND NO OPINION HAS BEEN EXPRESSED OR RENDERED WITH RESPECT TO THE TITLE OR LEGAL DESCRIPTION OF THE ABOVE DESCRIBED REAL PROPERTY.

This instrument was prepared by: MATTHEW R. HARRISON, HARRISON & GAMMONS, P.C., 2430 L&N Drive, Huntsville, AL 35801, 256-533-7711 (HG)

Ordinance No. 24-356 (Cont.)

ADOPTED this the 27th day of June, 2024.

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

APPROVED this the 27th day of June, 2024.

Mayor of the City of Huntsville,
Alabama