



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/26/2024

File ID: TMP-4652

Department: Huntsville Utilities

Subject:

Type of Action: Introduction

Introduction of an Ordinance declaring certain real property surplus and authorizing the Mayor to execute a deed conveying the property to Madison County.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments: N/A

ORDINANCE NO. 24-__

**AN ORDINANCE DECLARING A PORTION OF LAND ABUTTING NICK DAVIS
SUBSTATION PROPERTY SURPLUS AND AUTHORIZING ITS CONVEYANCE TO
COUNTY OF MADISON**

WHEREAS, the Huntsville Electric Utility Board, a municipal public utility board created by the City of Huntsville, Alabama, a municipal corporation (“Huntsville Utilities”) entered into an agreement with the County of Madison, Alabama (the “Agreement”); and

WHEREAS, the Agreement provided for Huntsville Utilities to sell a portion of land abutting the Nick Davis Electric Substation, for the County of Madison, Alabama to widen the roadway; and

WHEREAS, the City Council of the City of Huntsville, Alabama, has declared it to be in the best interest of the public and the City of Huntsville, Alabama, to convey a portion of the land abutting the Nick Davis Electric Substation as surplus to the County of Madison, Alabama; and

WHEREAS, both parties have fulfilled their obligations pursuant to the Agreement, as herein amended, and the City of Huntsville no longer uses or needs the land abutting the Nick Davis Electric Substation property for public or municipal purposes; and

WHEREAS, the exchange of the properties serves a public purpose;

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

SECTION 1: It is hereby established and declared that the following described real property of the City of Huntsville, Alabama, which is described below, is no longer needed for public or municipal purposes and is hereby declared surplus:

Parcel 1 of 1:

Commencing from a common section corner for section 5, 4, 8, 9 T-3-S, R-2-W thence N44°42'46"E a distance of 3802.7 feet to a point on the acquired right-of-way line, also being the Point of Beginning of the property herein described;

Thence S31°21'44"E along the acquired right-of-way line a distance of 44.82 feet to a point on the acquired right-of-way line 42.00 feet left of Nick Davis Rd station 53+65.00;

Thence S89°51'50"E along the acquired right-of-way line a distance of 167.02 feet to a point on the present property line 42.04 feet left of Nick Davis Rd station 55+31.96;

Thence S00°33'50"W along the present property line a distance of 8.10 feet to a point on the present right-of-way line 33.94 feet left of Nick Davis Rd station 55+31.91;

Thence N89°56'35"W along the present right-of-way line a distance of 190.70 feet to a point on the present right-of-way line 33.63 feet left of Nick Davis Rd station 53+41.26;

Thence N00°32'02"E along the present right-of-way line a distance of 46.58 feet to a point on the acquired right-of-way line 26.78 feet right of Pettus Rd station 70+80.00, the point and place of Beginning;

The above described parcel contains 0.046 acre, more or less.

SECTION 2: Pursuant to the authority granted by Ala. Code §11-47-20 (1975), the Mayor and City Clerk of the City of Huntsville, Alabama, are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Huntsville, Alabama, all documents necessary to effectuate such conveyance.

SECTION 3: This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED this the _____ day of _____, 2024.

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

APPROVED this the _____ day of _____, 2024.

Mayor of the City of Huntsville,
Alabama

(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

RIGHT-OF-WAY DEED

THIS INDENTURE, made on the ____ day of October, 2024, by and between **THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation** (hereinafter referred to as the "Grantor") and the **COUNTY OF MADISON, in the State of Alabama** (hereinafter referred to as the "Grantee");

WITNESSETH, that the Grantor, in consideration of the sum of FIVE THOUSAND SIXTY AND NO/100 DOLLARS (\$5,060.00), to it in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, and in further consideration of the mutual benefits accruing to the Grantor and the Grantee, does hereby grant, bargain, sell and convey unto the Grantee the right-of-way hereinafter described in Madison County, Alabama, for the construction and maintenance of a public street, avenue or public thoroughfare, and for the construction, installation and maintenance of utility and drainage facilities, said rights-of-way herein granted as shown on the acquisition survey attached hereto as Exhibit "A" and being more particularly described as follows, to-wit:

Project No.: R042023004

Tract No. 3

A part of the SW ¼ of NE ¼, Section 4, Township 3S, Range 2W, identified as Tract No. 3 on Project No. R042023004 in Madison County, Alabama and being more fully described as follows:

Parcel 1 of 1:

Commencing from a common section corner for section 5, 4, 8, 9 T-3-S, R-2-W thence N44°42'46"E a distance of 3802.7 feet to a point on the acquired right-of-way line, also being the Point of Beginning of the property herein described;

Thence S31°21'44"E along the acquired right-of-way line a distance of 44.82 feet to a point on the acquired right-of-way line 42.00 feet left of Nick Davis Rd station 53+65.00;

Thence S89°51'50"E along the acquired right-of-way line a distance of 167.02 feet to a point on the present property line 42.04 feet left of Nick Davis Rd station 55+31.96;

Thence S00°33'50"W along the present property line a distance of 8.10 feet to a point on the present right-of-way line 33.94 feet left of Nick Davis Rd station 55+31.91;

Thence N89°56'35"W along the present right-of-way line a distance of 190.70 feet to a point on the present right-of-way line 33.63 feet left of Nick Davis Rd station 53+41.26;

Thence N00°32'02"E along the present right-of-way line a distance of 46.58 feet to a point on the acquired right-of-way line 26.78 feet right of Pettus Rd station 70+80.00, the point and place of Beginning;

The above described parcel contains 0.046 acre, more or less.

SUBJECT to matters, easements and rights of way of record.

TO HAVE AND TO HOLD, unto Madison County, Alabama, its successors and assigns in fee simple forever. And for the consideration, aforesaid, the Grantor does for itself, its successors and assigns, covenant to and with Madison County that it is lawfully seized and possessed in fee simple of said tract or parcel of land hereinabove described; that it has a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens, and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the Grantor; and that it will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE GRANTOR herein further covenants and agrees that the purchase price above-stated is in full compensation to it for this conveyance, and does hereby release Madison County, Alabama, and its employees and officers from any and all damages to its remaining property contiguous to the property hereby conveyed arising out of the location, construction, improvement, landscaping, maintenance or repair of any public road or highway that may be so located on the property herein conveyed.

THE GRANTOR, for and in consideration of the benefit to Grantor's property by reason of the construction of improvements, hereby releases Grantee and all of Grantee's employees, officers and agents from any and all damages, consequential or otherwise, present or prospective, to its property, arising out of the construction, improvement, maintenance, or repair of any improvements. Grantor hereby admits and acknowledges that the improvements are a benefit to Grantor's property. Grantor further grants to Grantee a temporary easement over, on and upon Grantor's property adjoining the herein granted property for the purpose of constructing or maintaining the aforementioned improvements. Grantor further grants to Grantee the right of ingress and egress along said temporary easement, with all the rights and privileges necessary or convenient for the temporary use thereof with the right to cut and remove trees and other foliage and to temporarily place dirt, construction equipment, or other construction materials on said easement.

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:

Grantors' Address: P.O. Box 308, Huntsville, AL 35804
Grantee's Address: 100 Northside Square, Huntsville, AL 35801
Property Address: N/A
Tax Parcel Id No(s): N/A
Purchase Price: \$5,060.00

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on the ____ day of October, 2024.

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 ____ day of October, 2024.

NOTARY PUBLIC

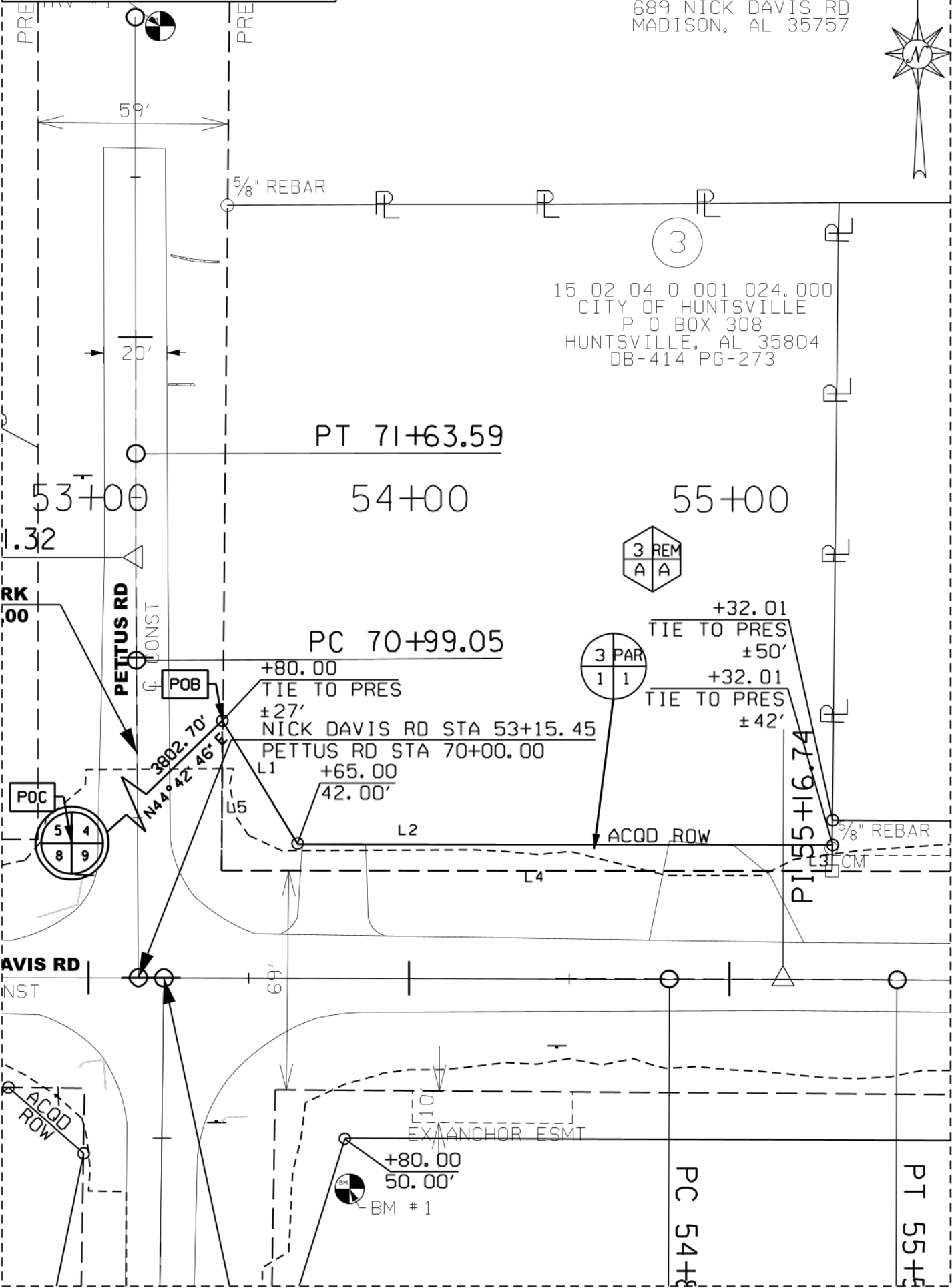
My Commission Expires:

This Instrument Prepared by:
Fred L. Coffey, Jr.
Lanier Ford Shaver & Payne P.C.
2101 West Clinton Ave., Ste 102
Huntsville, AL 35805
(256) 535-1100

CALL	BEARING	DISTANCE
L1	S31°21'44"E	44.82
L2	S89°51'50"E	167.02
L3	S00°33'50"W	8.10
L4	N89°56'35"W	190.70
L5	N00°32'02"E	46.58

SW 1/4 of the NE 1/4 of Section 4, T-3-S, R-2-W

15 02 04 0 001 023.000
WALLACE, WILLIE & VIRGINIA
689 NICK DAVIS RD
MADISON, AL 35757



TRACT NUMBER: 3
OWNER: CITY OF HUNTSVILLE

TOTAL ACREAGE: 1.000
R/W REQUIRED: 0.046
REMAINDER: 0.954

MADISON COUNTY

PROJ NO: R042023004 (CDG)
COUNTY: MADISON
SCALE: 1" = 40'
DATE: 2/21/2024
REVISED: 3/7/2024