



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 3/27/2025

**File ID:** TMP-5318

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement in Max Luther Commercial Subdivision, Phase 2, at 1803 Keats and 2413 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:** 1803 Keats and 2413 Memorial Parkway

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

**Additional Comments:**

**ORDINANCE NO. 25-\_\_\_\_\_**

**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 **Bank Independent**, 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:

THIS INSTRUMENT PREPARED BY:

Samuel H. Givhan  
Lanier Ford Shaver & Payne, PC  
2101 W. Clinton Ave, Ste. 102  
Huntsville, Alabama 35805  
256-535-1100

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(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this 27 day of March, 2025, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and BANK INDEPENDENT, an Alabama banking corporation, ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the 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 (the "Easement"):

See Exhibit "A" attached hereto and incorporated herein, and said Easement being further depicted in Exhibit "B" attached hereto.

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

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its City Clerk, pursuant to Ordinance No. \_\_\_\_\_, as of this the 27 day of March, 2025.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama 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, an Alabama 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 for and as the act of said municipal corporation.

GIVEN under my hand and official seal this the 27 day of March, 2025.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

**THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.**

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:

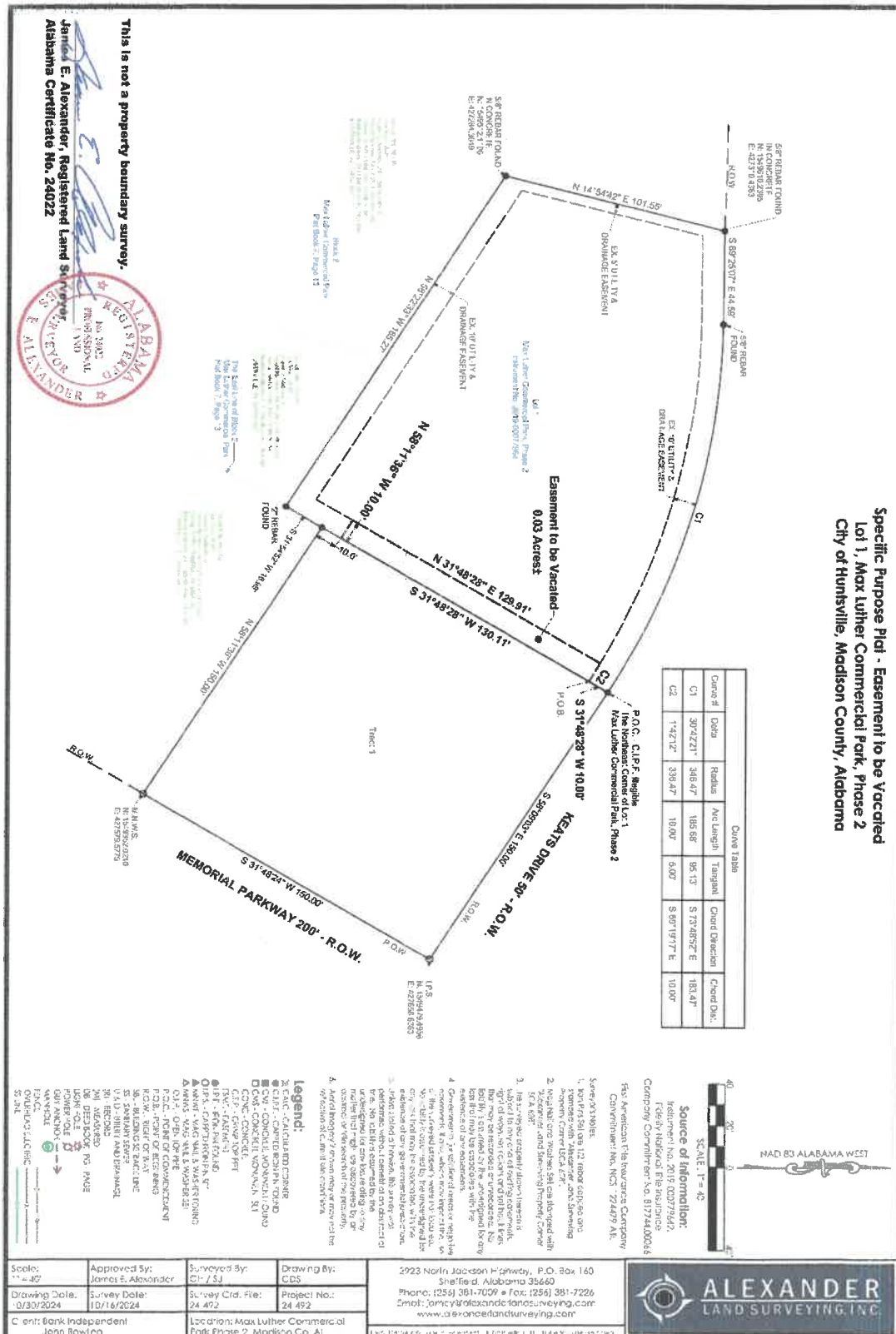
Grantor's Address: 308 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801  
Grantee's Address: Post Office Box 5000, Sheffield, Alabama 35660  
Property Address: 10' U&D easement (affecting Keats Drive Subdivision)  
Purchase Price: N/A

**Exhibit "A"**  
**(Legal Description of Vacated Easement)**

**10-FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT TO BE VACATED**

A tract of land lying in part of Lot 1, Max Luther Commercial Park, Phase 2, Instrument No. 2019-00077964, Madison County, Alabama, and being more particularly described as follows: **COMMENCE** at a Capped Iron Pin Found (Illegible), being the Northeast corner of said Lot 1; thence, along the East line of said Lot 1, South 31°48'28" West, 10.00 feet to the **POINT OF BEGINNING** of the herein described tract; thence, along the East line of said Lot 1, South 31°48'28" West, 130.11 feet; thence North 58°11'36" West, 10.00 feet; thence North 31°48'28" East, 129.91 feet; thence, along a curve to the right having a Chord Bearing and Distance of South 59°19'17" East, 10.00 feet and a Radius of 336.47 feet, for an Arc Length of 10.00 feet to the **POINT OF BEGINNING** of the tract of land hereby described, said tract of land contains 0.03 acres ± and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

**Specific Purpose Plat - Easement to be Vacated  
Lot 1, Max Luther Commercial Park, Phase 2  
City of Huntsville, Madison County, Alabama**



**ADOPTED** this the 27th day of March, 2025.

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

**APPROVED** this the 27th day of March, 2025.

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Mayor of the City of  
Huntsville, Alabama