



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/15/2022

File ID: TMP-2380

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easement, The Willow at Wilson Cove off of Cherry Tree Road.

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:

Address: The Willow at Wilson Cove off of Cherry Tree Road.

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

Additional Comments:

This item will need to be published after approval by City Council.

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 a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Lost Boys Land Company II, LLC**, 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA
COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by LOST BOYS LAND COMPANY II, LLC, An Alabama Limited Liability Company, hereinafter referred to as the Grantees, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantees all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

PROPERTY BELOW AS DESCRIBED IN DEED BOOK 147, PAGE 221.
22 acres more or less on East side of NE ¼, SE ¼ and in NE corner of SE¼ of SE ¼ of Section 32
Township 4, Range 2E.

AND ALSO

PROPERTY BELOW AS DESCRIBED IN DEED BOOK 147, PAGE 220.
2½ Acres in NE ¼ of SE ¼ of Section 32, Township 45, Range 2E Said 2 ½ acres and rounded North and
East by J. N. Esslinger, in West by R. W. Brazelton, on South by County Road.

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

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Ord. No: _____, as of this the 15th day of December, 2022.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST: _____
Kenneth Benion City-Clerk Treasurer

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, a municipal corporation.

Given under my hand and official seal this 15th day of December, 2022.

NOTARY PUBLIC
My Commission Expires:

THIS INSTRUMENT PREPARED BY:
Charles P. Helms, 912 Merchants Walk, Huntsville, AL 35801

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 15th day of December, 2022.

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

APPROVED this the 15th day of December, 2022.

Mayor of the City of
Huntsville, Alabama