



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/10/2023

File ID: TMP-3226

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 2, Vista Council Square at Pelham Avenue and Davis Circle. (Vista Huntsville, LLC)

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: Intersection of Pelham Avenue and Davis Circle.

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

Additional Comments:

ORDINANCE NO. 23-_____

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 **Vista Huntsville, 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 easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
WILMER & LEE, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801
(256) 533-0202

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this 10 day of August, 2023, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and VISTA HUNTSVILLE, LLC, a Delaware limited liability company ("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 as depicted as "Easement A" in that drawing attached hereto as Exhibit "B".

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. 23-, as of this the 10 day of August, 2023.

[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 10th day of August, 2023.

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: 120 N. Hale Street, Ste. 300, Wheaton, IL 60187
Property Address: Portion of 20' U&D Easement located in S1, T4S, R1W
Purchase Price: N/A

Exhibit "A"
(Legal Description of portion of Easement being Vacated)

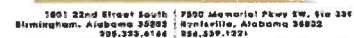
EASEMENT "A" - PORTION OF 20-FOOT WIDE UTILITY ESM'T TO BE VACATED (WITHIN LOT 2)

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING A PORTION OF A 20-FOOT WIDE UTILITY EASEMENT AS DESCRIBED IN DEED BOOK 478, PAGE 928 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND LYING WITHIN LOT 2 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE AS RECORDED IN PLAT BOOK 2022, PAGE 289 IN SAID PROBATE OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3 AND BEING FURTHER DESCRIBED AS LYING ON THE NORTH RIGHT-OF-WAY MARGIN OF ST. CLAIR AVENUE (50-FOOT WIDE RIGHT-OF-WAY) AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1536841.70, EAST: 429249.00; THENCE RUN ALONG THE WEST BOUNDARY OF SAID LOTS 2 AND 3, NORTH 27 DEGREES 49 MINUTES 25 SECONDS EAST, 417.89 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID FINAL PLAT; THENCE SOUTH 43 DEGREES 02 MINUTES 54 SECONDS EAST, 15.55 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 27 DEGREES 49 MINUTES 25 SECONDS EAST, 21.27 FEET TO A POINT; THENCE SOUTH 82 DEGREES 05 MINUTES 17 SECONDS EAST, 202.60 FEET TO A POINT; THENCE SOUTH 27 DEGREES 44 MINUTES 43 SECONDS WEST, 185.78 FEET TO A POINT WHICH LIES 5.00 FEET FROM THE SOUTH BOUNDARY OF SAID LOT 2; THENCE RUN PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 2, NORTH 60 DEGREES 42 MINUTES 19 SECONDS WEST, 20.01 FEET TO A POINT; THENCE NORTH 27 DEGREES 44 MINUTES 43 SECONDS EAST, 156.76 FEET TO A POINT; THENCE NORTH 82 DEGREES 05 MINUTES 17 SECONDS WEST, 181.37 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7265 SQUARE FEET) MORE OR LESS.

HA Project: 21-21325-HD 600 St. Clair Ave. Mixed Use Survey \21325-HD SEV 2 for the addendum.dwg



Ordinance No. 23-_____ (Cont.)

ADOPTED this the 10th day of August, 2023.

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

APPROVED this the 10th day of August, 2023.

Mayor of the City of
Huntsville, Alabama