



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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

**File ID:** TMP-4302

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the City of Huntsville to acquire and/or condemn a sanitary sewer easement and temporary construction easement on, over, under, across and upon certain parcels of land for the Highland Hills Sewer Extension Project.

Resolution 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:** Highland Hills

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

**Additional Comments:**

**RESOLUTION NO. 24-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, a municipal corporation within the State of Alabama, as follows:

1. That, in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn a permanent, exclusive sanitary sewer easement and temporary construction easement on, over, under, across and upon the following described parcels of land, to include any and all revisions or amendments to the acquisitions under the project plans, viz:

See Exhibit "A" which is attached hereto and incorporated herein, a copy of the same being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama. A corresponding drawing depicting the parcels follows the parcel descriptions.

2. That the obtainment of the foregoing easements is necessary for the Highland Hills Sewer Extension Project, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville be, and he is hereby, authorized, empowered and directed to cause the above-described parcels to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for their respective taking.

4. That the Mayor of the City of Huntsville be, and he is further, authorized, empowered and directed to attempt to acquire the above-described easements for the City for the aforesaid purpose at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire any of the said easements for the purpose aforesaid by voluntary conveyance from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Lanier Ford Shaver & Payne P.C., to file a condemnation action and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said easements by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the easements pursuant to the eminent domain code are hereby ratified and affirmed.

**ADOPTED** this the 27th day of June, 2024.

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President of the City Council  
City of Huntsville, Alabama

**APPROVED** this the 27th day of June, 2024.

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Tommy Battle  
Mayor of the City of Huntsville, Alabama

## EXHIBIT "A"



5125A Research Drive  
Huntsville, AL 35805

TEL 256.534.5512  
FAX 256.534.5544

www.GarverUSA.com

**STATE OF ALABAMA**

**MADISON COUNTY**

**CITY OF HUNTSVILLE WATER POLLUTION CONTROL DEPARTMENT- PROJECT HIGHLAND HILLS SUBDIVISION SEWER EXTENSION – 30' PERMANENT SANITARY SEWER EASEMENT AND 30' TEMPORARY CONSTRUCTION EASEMENT:**

**REFERENCE PLAT- 1**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama, hereby certify that the foregoing is a true and accurate description of 2 tracts of land lying and being in Section 6, Township 3 South, Range 1 East of the Huntsville Meridian.

Said tracts being a portion of property conveyed to Mooresmill Farm LLC in Instrument 2021-00046757 as recorded in the Office of the Judge of Probate for Madison County, Alabama and being more particularly described as:

**TRACT 1 - 30' Permanent Sanitary Sewer Easement:**

Beginning at a #4 rebar found marking the southeast corner of Lot 2 of Highland Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2023, Pages 224-225 having established grid coordinates of (N) 1569276.41, (E) 437155.30 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83).

Thence South 85 Degrees 18 Minutes 10 Seconds East a distance of 0.07 feet to a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the east boundary of a Permanent Sanitary Sewer Easement; thence along the east boundary of said easement South 4 Degrees 42 Minutes 45 Seconds West a distance of 277.84 feet to a #5 rebar set; thence South 2 Degrees 01 Minutes 56 Seconds West a distance of 350.24 feet to a #5 rebar set; thence South 2 Degrees 02 Minutes 11 Seconds West a distance of 350.00 feet to a #5 rebar set; thence South 2 Degrees 01 Minutes 55 Seconds West a distance of 364.49 feet to a #5 rebar set marking the south boundary of said easement; thence leaving said east boundary and along the south boundary of said easement South 90 Degrees 00 Minutes 00 Seconds West a distance of 459.08 feet to a #5 rebar set marking the east boundary of said easement; thence leaving said south boundary and along the east boundary of said easement South 0 Degrees 10 Minutes 11 Seconds East a distance of 33.64 feet to a #5 rebar set marking the north boundary of Valley Brook Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Document 20081126000736340; thence leaving said east boundary and along the north boundary of said Valley Brook Subdivision North 88 Degrees 56 Minutes 56 Seconds West a distance of 30.01 feet to a #5 rebar set marking the west boundary of said easement; thence leaving said north boundary and along the west boundary of said easement North 0 Degrees 10 Minutes 11 Seconds West a distance of 63.09 feet to a #5 rebar set on the north boundary of said easement; thence leaving said west boundary and along the north boundary of said easement North 90 Degrees 00 Minutes 00 Seconds East a distance of 460.22 feet to a #5 rebar set marking the west boundary of said easement; thence leaving said north boundary and along the west boundary of said easement North 2 Degrees 01 Minutes 55 Seconds East a distance of 335.54 feet to a #5 rebar set; thence North 2 Degrees 02 Minutes 11 Seconds East a distance of 350.01 feet to a #5 rebar set; thence North 2 Degrees 01 Minutes 56 Seconds East a distance of 350.94 feet to a #5 rebar set; thence North 4 Degrees 42 Minutes 45 Seconds East a

distance of 278.53 feet to a #5 rebar set marking the south boundary of Lot 2 of Highland Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2023, Pages 224-225; thence leaving said west boundary and along the south boundary of said Highlands Subdivision South 85 Degrees 18 Minutes 10 Seconds East a distance of 29.93 feet to the POINT OF BEGINNING.

The above-described tract contains 1.26 acres (55100.379 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in public records.

**TRACT 2 – 30' Temporary Construction Easement:**

Commencing at a #4 rebar found marking the southeast corner of Lot 2 of Highland Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2023, Pages 224-225; thence along the south boundary of said Highland Subdivision North 85 Degrees 18 Minutes 10 Seconds West a distance of 29.93 feet to a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the west boundary of a Permanent Sanitary Sewer Easement, said point being the Point of Beginning of the herein described tract having established grid coordinates of (N) 1569278.86, (E) 437125.47 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83).

Thence leaving said south boundary and along the west boundary of said easement South 4 Degrees 42 Minutes 45 Seconds West a distance of 278.53 feet to a #5 rebar set; thence South 2 Degrees 01 Minutes 56 Seconds West a distance of 350.94 feet a #5 rebar set; thence South 2 Degrees 02 Minutes 11 Seconds West a distance of 350.01 feet a #5 rebar set; thence South 2 Degrees 01 Minutes 55 Seconds West a distance of 335.54 feet a #5 rebar set marking the north boundary of said easement; thence leaving said west boundary and along the north boundary of said easement South 90 Degrees 00 Minutes 00 Seconds West a distance of 460.22 feet to a #5 rebar set marking the west boundary of said easement; thence leaving said north boundary and along the west boundary of said easement South 0 Degrees 10 Minutes 11 Seconds East a distance of 63.09 feet to a #5 rebar set marking the north boundary of Valley Brook Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Document 20081126000736340; thence leaving said west boundary and along the north boundary of said Valley Brook Subdivision North 88 Degrees 56 Minutes 56 Seconds West a distance of 30.01 feet to a #5 rebar set marking the west boundary of a Temporary Construction Easement; thence leaving said north boundary and along the west boundary of said easement North 0 Degrees 10 Minutes 11 Seconds West a distance of 92.54 feet to a #5 rebar set marking the north boundary of said easement; thence leaving said west boundary and along the north boundary of said easement North 90 Degrees 00 Minutes 00 Seconds East a distance of 461.35 feet to a #5 rebar set marking the west boundary of said easement; thence leaving said north boundary and along the west boundary of said easement North 2 Degrees 01 Minutes 55 Seconds East a distance of 306.58 feet to a #5 rebar set; thence North 2 Degrees 02 Minutes 11 Seconds East a distance of 350.01 feet to a #5 rebar set; thence North 2 Degrees 01 Minutes 56 Seconds East a distance of 351.64 feet to a #5 rebar set; thence North 4 Degrees 42 Minutes 45 Seconds East a distance of 279.22 feet to a #5 rebar set marking the south boundary of Lot 2 of Highland Subdivision as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2023, Pages 224-225; thence leaving said west boundary and along the south boundary of said Lot 2 South 85 Degrees 18 Minutes 10 Seconds East a distance of 30.00 feet to the POINT OF BEGINNING.

The above-described tract contains 1.27 acres (55194.878 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in public records.

All according to my survey this the 1<sup>st</sup> day of May 2024.

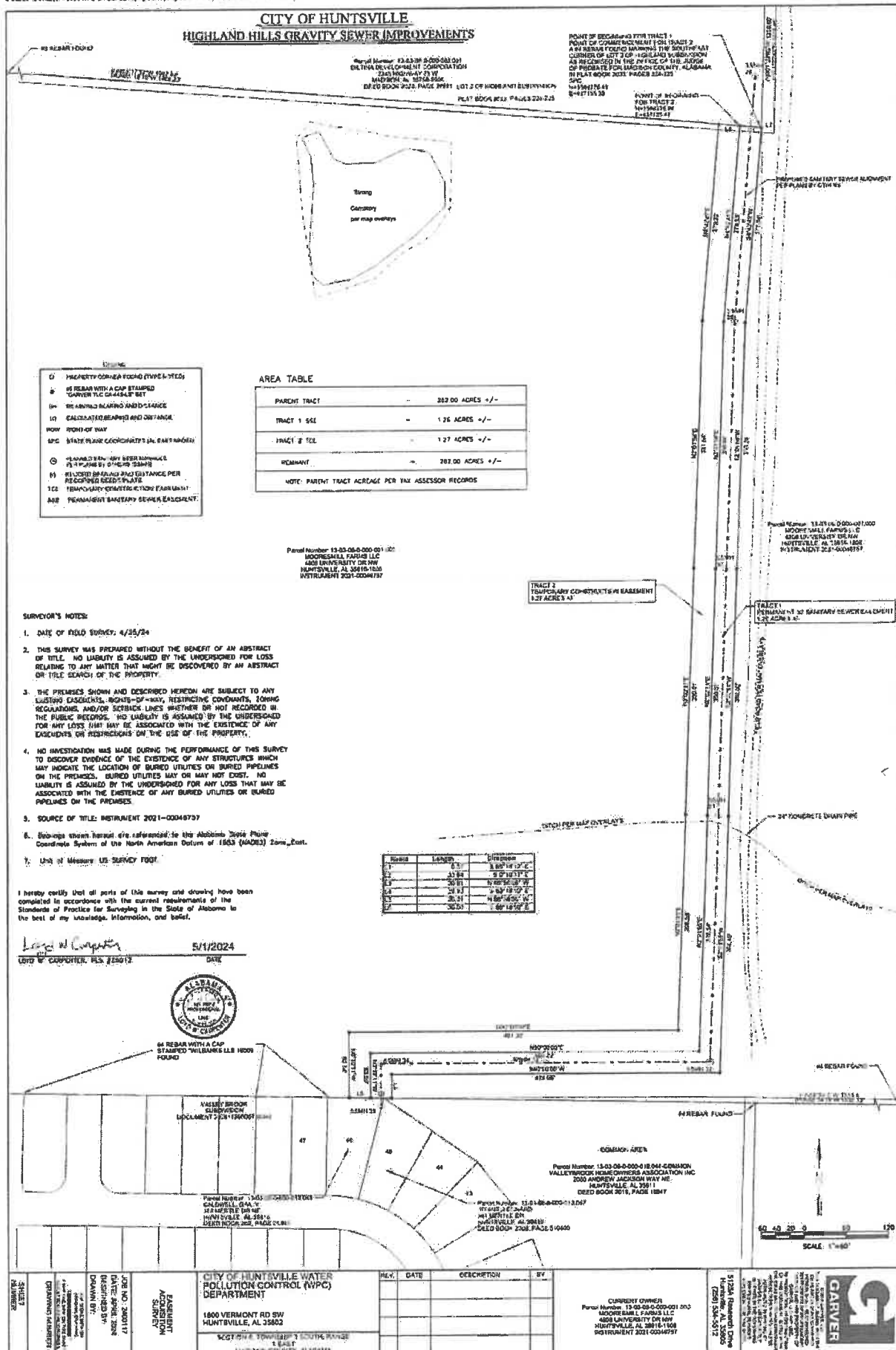
Lloyd W. Carpenter

Lloyd W. Carpenter, PLS

Alabama License No. 26012



# CITY OF HUNTSVILLE HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS



AREA TABLE

PARENT TRACT	282.00 ACRES +/-
TRACT 1 561	1.56 ACRES +/-
TRACT 2 121	1.27 ACRES +/-
REMANANT	281.00 ACRES +/-

Parcel Number: 13-03-06-0-000-001-000  
 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS  
 HUNTSVILLE, AL 35892-1000  
 INSTRUMENT 2021-00048797

TRACT 2  
 TEMPORARY CONSTRUCTION EASEMENT  
 1.27 ACRES +/-

Parcel Number: 13-03-06-0-000-001-000  
 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS  
 HUNTSVILLE, AL 35892-1000  
 INSTRUMENT 2021-00048797

LINE	LENGTH	BEARING
1	0.71	S 89°14'12"E
2	0.71	S 89°14'12"E
3	0.71	S 89°14'12"E
4	0.71	S 89°14'12"E
5	0.71	S 89°14'12"E
6	0.71	S 89°14'12"E



64 REBAR WITH A CAP  
 STAMPED "HUNTSVILLE 118 1000"  
 FOUND

VALLEY BROOK SUBDIVISION  
 LOCUMENT 2/28/1990

Parcel Number: 13-03-06-0-000-001-000  
 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS  
 HUNTSVILLE, AL 35892-1000  
 INSTRUMENT 2021-00048797

Parcel Number: 13-03-06-0-000-001-000  
 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS  
 HUNTSVILLE, AL 35892-1000  
 INSTRUMENT 2021-00048797

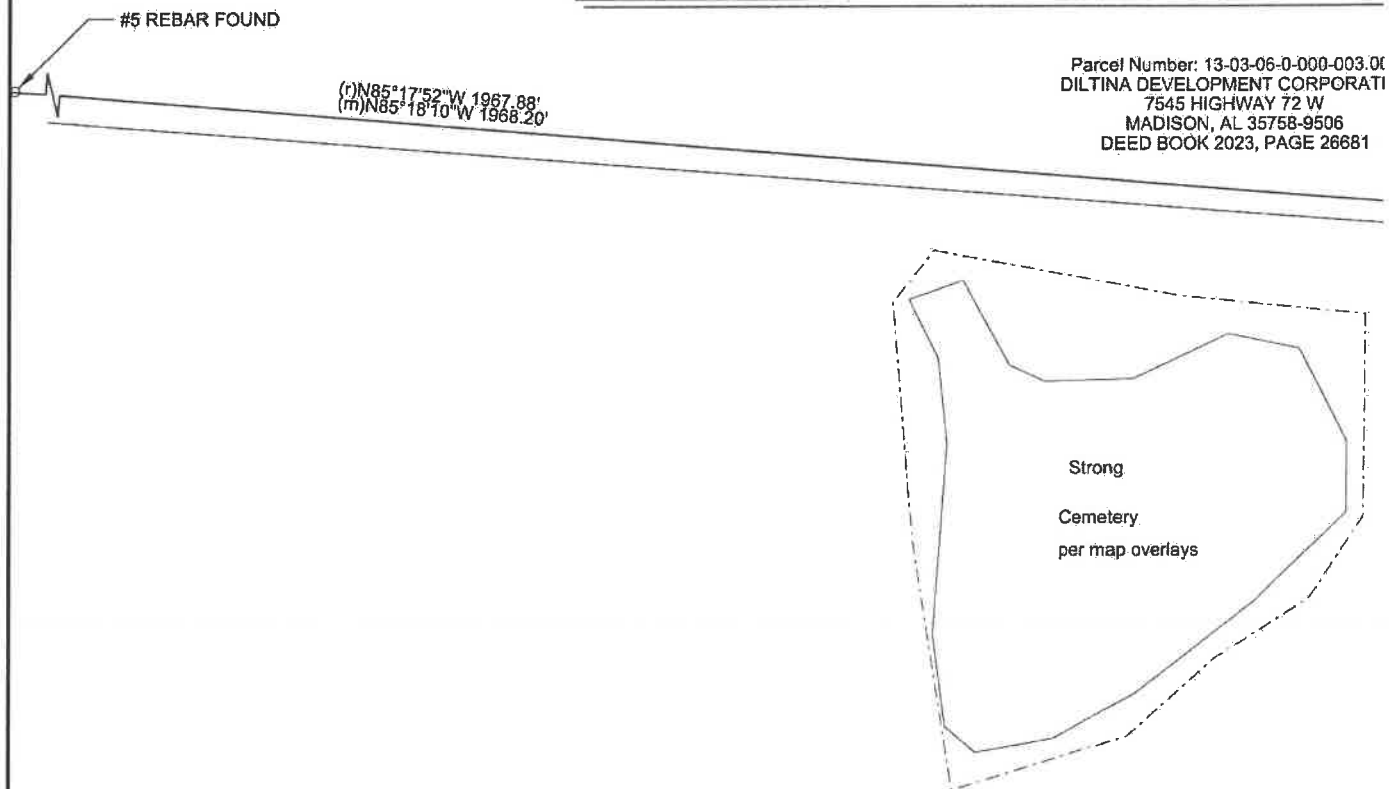
Parcel Number: 13-03-06-0-000-001-000  
 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS  
 HUNTSVILLE, AL 35892-1000  
 INSTRUMENT 2021-00048797

SCALE: 1"=60'

SHEET 2 NUMBER	JOB NO. 240117 DATE: 04/25/24 DRAWN BY: CHECKED BY: CITY OF HUNTSVILLE WATER POLLUTION CONTROL (WPC) DEPARTMENT	CITY OF HUNTSVILLE WATER POLLUTION CONTROL (WPC) DEPARTMENT 1800 VERNON RD SW HUNTSVILLE, AL 35892 SCOT B. TOWNSHIP 1 SOUTH RANGE 1 EAST HUNTSVILLE, AL 35892	REV.	DATE	DESCRIPTION	BY
CLIENT'S OWNER Parcel Number: 13-03-06-0-000-001-000 HIGHLAND HILLS GRAVITY SEWER IMPROVEMENTS HUNTSVILLE, AL 35892-1000 INSTRUMENT 2021-00048797						



**CITY OF HUNTSVILLE**  
**HIGHLAND HILLS GRAVITY SEWER IMPROVEMENT**



Parcel Number: 13-03-06-0-000-003.00  
DILTINA DEVELOPMENT CORPORATI  
7545 HIGHWAY 72 W  
MADISON, AL 35758-9506  
DEED BOOK 2023, PAGE 26681

**LEGEND**

- PROPERTY CORNER FOUND (TYPE NOTED)
- #5 REBAR WITH A CAP STAMPED "GARVER TLC CA-445-LS" SET
- (m) MEASURED BEARING AND DISTANCE
- (c) CALCULATED BEARING AND DISTANCE
- ROW RIGHT-OF-WAY
- SPC STATE PLANE COORDINATES (AL EAST NAD83)
- Ⓢ PLANNED SANITARY SEER MANHOLE PER PLANS BY OTHERS (SSMH)
- (r) RECORD BEARING AND DISTANCE PER RECORDED DEEDS/PLATS
- TCE TEMPORARY CONSTRUCTION EASEMENT
- SSE PERMANENT SANITARY SEWER EASEMENT

**AREA TABLE**

PARENT TRACT	—	262.00
TRACT 1 SSE	—	1.26 A
TRACT 2 TCE	—	1.27 A
REMNAINT	—	262.00
NOTE: PARENT TRACT ACREAGE PER TAX ASSESSOR REI		

Parcel Number: 13-03-06-0-000-001.000  
MOORES MILL FARMS LLC  
4808 UNIVERSITY DR NW  
HUNTSVILLE, AL 35816-1808  
INSTRUMENT 2021-00046757