



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 6/22/2023

**File ID:** TMP-3060

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement between Lots 1-A and 1-B, Lot 1, Block 1, Exchange Center, 220 & 238 Exchange Place SW. (Low Fat Subs)

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:** 220 & 238 Exchange Place SW

**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 utility and drainage easement; that the applicant has represented to the City of Huntsville that **Low Fat Subs, Inc.**, 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:

STATE OF ALABAMA     )  
  )  
COUNTY OF MADISON    )

**QUITCLAIM DEED**

**KNOW ALL MEN BY THESE PRESENTS**, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by **LOW FAT SUBS, INC.** hereinafter referred to as Grantee, and other good and valuable considerations, 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:

BEING A TRACT OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND BEING A PORTION OF LOTS 1-A AND 1-B OF THE RESUBDIVISION OF LOT 1, BLOCK 1 OF THE RESUBDIVISION OF LOT 1, BLOCK 1 AND LOT 1, BLOCK 2 EXCHANGE CENTER AS RECORDED IN PLAT BOOK 21, PAGE 80 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF OLD MADISON PIKE AND ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1-A; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY SOUTH 00 DEGREES 57 MINUTES 16 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1-A A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING SAID WEST LINE SOUTH 88 DEGREES 57 MINUTES 24 SECONDS EAST A DISTANCE OF 5.00 FEET; THENCE SOUTH 00 DEGREES 57 MINUTES 16 SECONDS WEST A DISTANCE OF 211.61 FEET; THENCE NORTH 54 DEGREES 43 MINUTES 51 SECONDS WEST A DISTANCE OF 7.65 FEET; THENCE SOUTH 35 DEGREES 11 MINUTES 48 SECONDS WEST A DISTANCE OF 6.55 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 16 SECONDS EAST A DISTANCE OF 212.73 FEET; THENCE SOUTH 88 DEGREES 57 MINUTES 12 SECONDS EAST A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 2,097 SQUARE FEET OR 0.05 ACRES, MORE OR LESS, AND THE INTENT OF THE DESCRIPTION ABOVE IS TO VACATE THE 5-FOOT UTILITY AND DRAINAGE EASEMENT BEING ON THE WEST LINE OF LOT 1-A AND THE EAST LINE OF LOT 1-B AS SHOWN ON THE RECORDED PLAT IN PLAT BOOK 21, PAGE 80.

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

**IN WITNESS WHEREOF**, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this the 22nd day of June, 2023.

**CITY OF HUNTSVILLE, ALABAMA,**  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Shaundrika Edwards  
Clerk-Treasurer

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-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 corporation on the day the same bears day.

GIVEN under my hand and official seal this the 22nd day of June, 2023.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT PREPARED BY:  
***Halliburton Surveying & Mapping, Inc.***  
***412 Governors Drive SW***  
***Huntsville, AL 35801***

**Ordinance No. 23-**\_\_\_\_\_ **(Cont.)**

**ADOPTED** this the 22nd day of June, 2023.

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

**APPROVED** this the 22nd day of June, 2023.

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Mayor of the City of  
Huntsville, Alabama