



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

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

File ID: TMP-3221

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement between Lots 4 & 5, The Market at Hays Farm. (SCG BR Hays Farm)

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: The Market at Hays Farm

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 **SCG BR Hays Farm**, 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:

PREPARED BY:
Brian P. Cain, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, GA 30339
(770) 956-9600

STATE OF ALABAMA
COUNTY OF MADISON

QUITCLAIM RELEASE DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the **CITY OF HUNTSVILLE**, an Alabama municipal corporation, ("**Grantor**"), in hand paid by **SCG BR HAYS FARM, L.P.**, a Delaware limited partnership ("**Grantee**"), the receipt whereof is hereby acknowledged, Grantor does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the real estate situated in the County of Madison, State of Alabama and being more particularly described in Exhibit "A" attached hereto and incorporated herein and being depicted in Exhibit "B" attached hereto and incorporated herein ("**Property**"), to-wit:

TO HAVE AND TO HOLD the same unto the said Grantee, and to its heirs, successors and assigns, so that neither Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to Ordinance No: 23-, as of this 10th day of August, 2023.

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

I, the undersigned, a Notary Public in and for said County and 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 conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as Mayor and City Clerk, respectively, and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 10th day of August, 2023.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT "A"
(Easement Being Vacated – Lot 5)

STATE OF ALABAMA
MADISON COUNTY

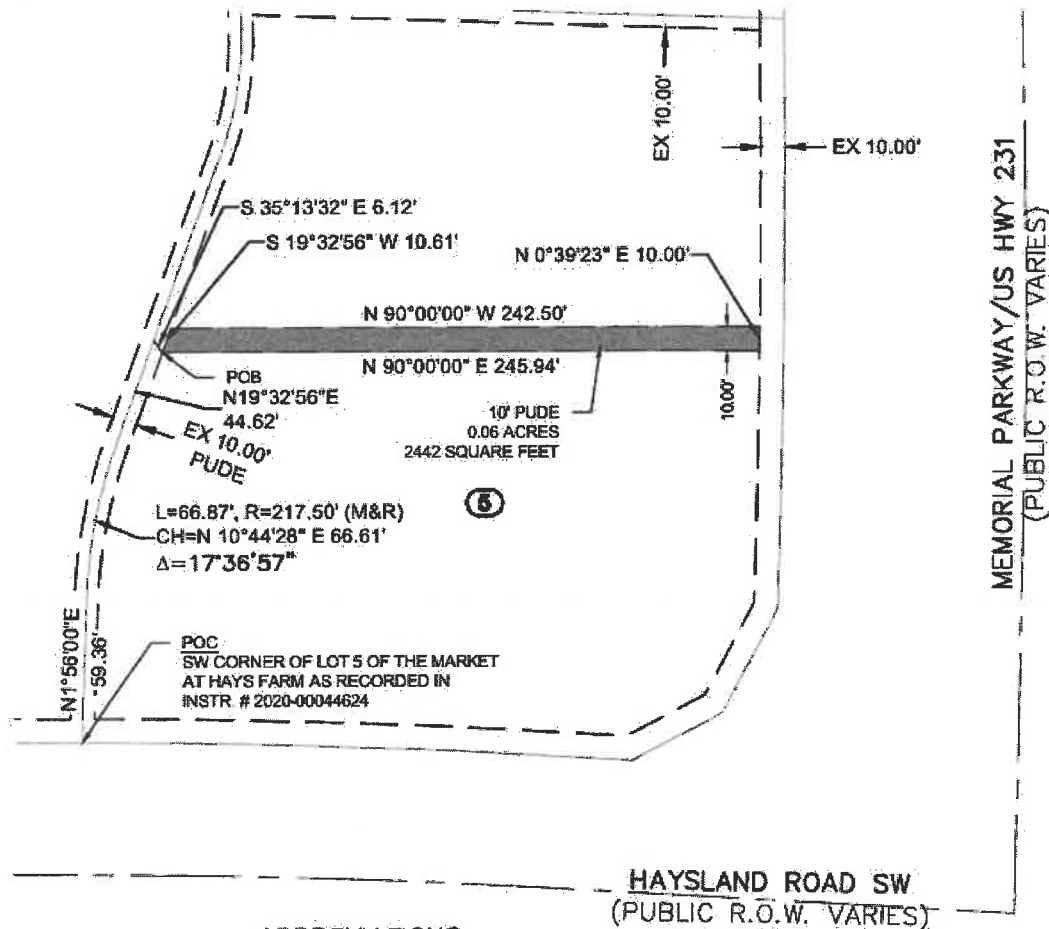
PART OF A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ON **LOT 5** OF THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 4 AS RECORDED IN **PLAT BOOK 2022 PAGE 177-178** IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PRACTICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 5 OF THE FINAL PLAT OF THE MARKET AT HAYS FARM AS RECORDED IN INSTRUMENT NUMBER 2020-00044624 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE, NORTH 01 DEGREES 56 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 59.36 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 17 DEGREES 36 MINUTES 57 SECONDS, HAVING A RADIUS OF 217.50 FEET, AND HAVING A CHORD BEARING OF NORTH 10 DEGREES 44 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 66.61 FEET TO A POINT; THENCE, NORTH 19 DEGREES 32 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 44.62 FEET TO A CAPPED IRON PIN MARKING THE OLD SOUTHWEST CORNER OF LOT 4 OF THE FINAL PLAT OF THE MARKET AT HAYS FARM AS RECORDED IN INSTRUMENT NUMBER 2020-00044624 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA; THENCE SOUTH 35 DEGREES 13 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 6.12 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 19 DEGREES 32 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 10.61 FEET TO A POINT; THENCE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 242.50 FEET TO A POINT; THENCE, SOUTH 00 DEGREES 39 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 245.94 FEET TO THE POINT OF BEGINNING;

LOT CONTAINS 0.06 ACRES (2442 SQUARE FEET) MORE OR LESS.

EXHIBIT B
(Plat of Easement being Released)

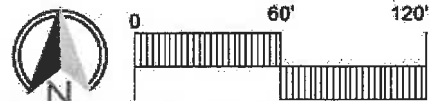


ABBREVIATIONS

ESMNT	EASEMENT
PUDE	PUBLIC UTILITY & DRAINAGE ESMNT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R.O.W.	RIGHT OF WAY

LEGEND

	SUBJECT PROPERTY LINE
	ADJOINER PROPERTY LINE
	EASEMENT LINE



DRAWN BY: ADN	EASEMENT VACATION	
FIELD CREW: NAME	THE MARKET AT HAYS FARM PHASE 4	
FIELD DATE: 00.00.00	LOT 5 - PB 2022 PG 177-178	
OFFICE DATE: 1/28/22	CITY OF HUNTSVILLE, ALABAMA	
CHECKED BY: ASM	SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST	
SHEET: 1 OF 2		
JOB NO: ZTPS21-025		

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