



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 4/11/2024

**File ID:** TMP-4072

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Common Area A, Oak Meadows Subdivision, Oak Meadows Drive. (Breland)

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:** Common Area A, Oak Meadows Subdivision, Oak Meadows Drive

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

**Additional Comments:**

**ORDINANCE NO. 24-\_\_\_\_\_**

**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 **Breland Homes, 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:

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(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Paul B. Seeley  
Lanier Ford Shaver & Payne, P.C.  
2101 West Clinton Avenue, Ste. 102  
Huntsville, AL 35805

STATE OF ALABAMA

COUNTY OF MADISON

**QUITCLAIM DEED FOR**  
**VACATION OF UTILITY & DRAINAGE EASEMENT**

THIS INDENTURE made and entered into on this 11 day of April, 2024, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and BRELAND HOMES, 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 utility and drainage easement 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 said Easement being depicted in **Exhibit "B"** attached hereto.

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, as of the 11th day of April, 2024.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE,  
an Alabama municipal corporation

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

ATTEST:

By: \_\_\_\_\_  
Shuandrika 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 11 day of April, 2024.

(Notarial Seal)

\_\_\_\_\_  
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: 2101 West Clinton Avemie, Ste. 201, Huntsville, AL 35805  
Property Address:  
Purchase Price: N/A

**Exhibit "A"**  
**(Legal Description of Vacated Easement)**

ALL THAT PART OF COMMON AREA A OF OAK MEADOWS AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN PLAT BOOK 2022, PAGES 51-52. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID COMMON AREA A, SAID POINT BEGIN ON THE SOUTH RIGHT-OF-WAY OF OAK MEADOW DRIVE; THENCE SOUTH 10 DEGREES 57 MINUTES 23 SECONDS WEST AND ALONG THE WEST BOUNDARY OF SAID COMMON AREA A, 10.53 FEET TO A POINT ON THE SOUTH BOUNDARY OF AN EXISTING 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT, THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING AND ALONG THE SAID SOUTH BOUNDARY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 115.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 54 DEGREES 27 MINUTES 20 SECONDS EAST, 21.99 FEET TO A POINT ON THE EAST BOUNDARY OF SAID COMMON AREA A;

THENCE ALONG THE SAID EAST BOUNDARY, SOUTH 10 DEGREES 57 MINUTES 23 SECONDS WEST, 158.40 FEET TO A POINT;

THENCE SOUTH 43 DEGREES 55 MINUTES 09 SECONDS EAST, 83.01 FEET TO A POINT;

THENCE SOUTH 46 DEGREES 04 MINUTES 51 SECONDS WEST, 32.84 FEET TO A POINT;

THENCE SOUTH 43 DEGREES 55 MINUTES 09 SECONDS EAST, 15.00 FEET TO A POINT;

THENCE NORTH 46 DEGREES 04 MINUTES 51 SECONDS EAST, 32.84 FEET TO A POINT;

THENCE SOUTH 43 DEGREES 55 MINUTES 09 SECONDS EAST, 140.28 FEET TO THE NORTHEAST CORNER OF SAID COMMON AREA A;

THENCE SOUTH 46 DEGREES 04 MINUTES 51 SECONDS WEST, 49.52 FEET TO A POINT;

THENCE NORTH 43 DEGREES 55 MINUTES 09 SECONDS WEST, 25.89 FEET TO A POINT;

THENCE SOUTH 46 DEGREES 04 MINUTES 51 SECONDS WEST, 15.00 FEET TO A POINT;

THENCE SOUTH 43 DEGREES 55 MINUTES 09 SECONDS EAST, 18.39 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID COMMON AREA A;

THENCE ALONG THE SAID SOUTH BOUNDARY, NORTH 88 DEGREES 53 MINUTES 48 SECONDS WEST, 164.89 FEET TO A POINT;

THENCE NORTH 01 DEGREES 06 MINUTES 12 SECONDS EAST, 25.60 FEET TO A POINT;

THENCE NORTH 88 DEGREES 53 MINUTES 48 SECONDS WEST, 15.00 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 06 MINUTES 12 SECONDS WEST, 25.60 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID COMMON AREA A;

**THENCE NORTH 88 DEGREES 53 MINUTES 48 SECONDS WEST AND ALONG THE SAID SOUTH BOUNDARY, 52.44 FEET TO THE SOUTHWEST CORNER OF SAID COMMON AREA A;**

**THENCE ALONG THE SAID WEST BOUNDARY, NORTH 29 DEGREES 34 MINUTES 11 SECONDS EAST, 22.68 FEET TO A POINT;**

**THENCE SOUTH 88 DEGREES 14 MINUTES 46 SECONDS EAST, 38.27 FEET TO A POINT;**

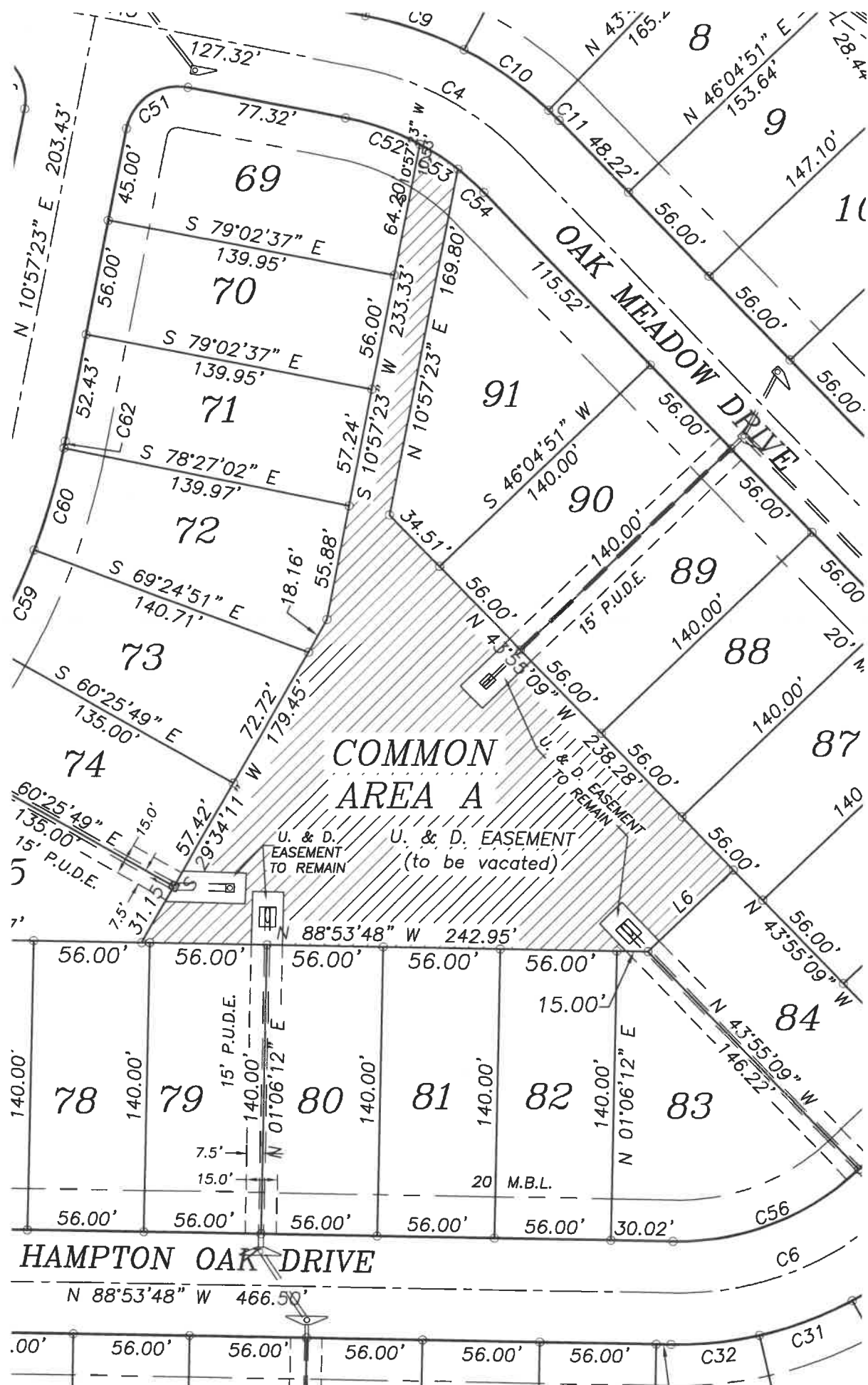
**THENCE NORTH 01 DEGREES 45 MINUTES 14 SECONDS EAST, 15.00 FEET TO A POINT;**

**THENCE NORTH 88 DEGREES 14 MINUTES 46 SECONDS WEST, 30.35 FEET TO A POINT ON THE WEST BOUNDARY OF SAID COMMON AREA A;**

**THENCE ALONG THE SAID WEST BOUNDARY, NORTH 29 DEGREES 34 MINUTES 11 SECONDS EAST, 139.82 FEET TO A POINT;**

**THENCE CONTINUE ALONG THE SAID WEST BOUNDARY, NORTH 10 DEGREES 57 MINUTES 23 SECONDS EAST, 222.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.788 ACRES, (34339.5 SQUARE FEET), MORE OR LESS.**

**Exhibit "B"**  
**(Depiction of Vacated Easement)**





**Ordinance No. 24-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 11th day of April, 2024.

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

**APPROVED** this the 11th day of April, 2024 .

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Mayor of the City of  
Huntsville, Alabama