



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 3/27/2025

File ID: TMP-5315

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement for Eagle Trace Subdivision Phase 3.
(Rask)

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: Eagle Trace Subdivision Phase 3

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

Additional Comments:

ORDINANCE NO. 25-_____

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 **Rask, 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:

STATE OF ALABAMA

VACATION OF EASEMENT/QUITCLAIM DEED

COUNTY OF MADISON

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of **Five Hundred and 00/100 Dollars (\$500.00)**, the amount of which can be verified by the agreement of the parties and other good and valuable considerations, the receipt of which is hereby acknowledged, **City of Huntsville, an Alabama Municipal Corporation**, having an address of 308 Fountain Circle, Huntsville AL 35801(hereinafter referred to as Grantor) does hereby *vacate the herein described easement*, and further remise, release, quitclaim and convey unto **Rask, LLC**, whose address is 3827 Eastern Shore Drive, Owens Cross Roads AL 35763 (hereinafter referred to as Grantee), all its right, title, interest and claim in and to the following described real estate situated in MADISON County, State of Alabama, **the address of which is 0 Feather Way, Owens Cross Roads, AL 35763**, to wit:

SEE ATTACHED EXHIBIT "A"

This instrument is vacating portions of the easement recorded in Madison County, Alabama, Probate records Book 929, Page 223, more particularly described as follows:

This instrument does not vacate any easements, rights of way granted, conveyed or set out on the plat recorded at Book 2025, Page 44, seen in Madison County, Alabama, Probate records, said plat being the final plat of Eagle Trace Phase 3.

Source of Title: Madison County, Alabama, Probate records Book 929, Page 223.

No title opinion requested none rendered.

TO HAVE AND TO HOLD the parcel of land above described, together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said Grantee, its successors and assigns.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal on this the 27th day of March, 2025.

This Instrument prepared by:

Joseph T. Conwell, III

Joseph T. Conwell, III, P.C.

4245 Balmoral Dr. SW, Ste. 303,

Huntsville AL 35801

City of Huntsville, an Alabama Municipal Corporation

____ (Seal)

By: Tommy Battle

Its: Mayor

**STATE OF ALABAMA
COUNTY OF MADISON**

I, the undersigned, a Notary Public in and for said county and state, hereby certify that Tommy Battle, whose named as Mayor of **City of Huntsville, an Alabama Municipal Corporation**, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this date that, being informed of the contents of this conveyance, he, as such officer, executed the same voluntarily, as the act of said entity, on the day the same bears date.

Given under my hand and official seal this the 27th day of March, 2025.

Notary Public

My Commission Expires: _____

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 Shaundrika Edwards, whose name as City Clerk of The City of Huntsville, Alabama, a municipal corporation is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she, as such officer 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 27th day of March, 2025.

Notary Public

EXHIBIT "A"

A fifteen-foot (15 ') wide utility easement for the construction, operation and maintenance of electric utilities (including wires, pole, guys cables, conduits and appurtenant equipment) to be installed, with the right to reconstruct, improve, add to, change the size of or remove such facilities or any part of them; to permit the attachment of conduits, wires or cables of any other authorized company or person; also to cut, trim and keep clear all trees within ten feet (10') of said line, or other obstructions that might endanger or interfere with said facilities on, over, upon, under or across my property as described as follows:

A portion of Section 14, Township 5S, Range 1E, lying and being in Madison County, Alabama, and being recorded in the Office of Probate Records, Madison County, Alabama, Deed Book 827, Pages 297.

Beginning on the north margin running in a southerly direction for approximately 300 feet then in a eastwardly direction for approximately 600 feet. To encompass overhead electric line as installed.

ADOPTED this the 27th day of March, 2025.

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

APPROVED this the 27th day of March, 2025.

Mayor of the City of
Huntsville, Alabama