



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/14/2023

File ID: TMP-3362

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement between Lots 17 & 18, Stonemark Sector 8, 10145 Skylark Drive. (Clayton)

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: 10145 Skylark Drive

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 **Joe Clayton and Susan Clayton**, are the owners 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

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by JOE CLAYTON AND SUSAN CLAYTON, husband and wife, hereinafter referred to as the Grantees, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantees all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the same unto the said Grantees, and to their successors and assigns, forever.

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and City Clerk pursuant to Ordinance No: _____, as of this the 14th day of September, 2023.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST:

Shaundrika Edwards, City Clerk

STATE OF ALABAMA

COUNTY OF MADISON

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, Alabama, 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 such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, a municipal corporation.

Given under my hand and official seal this 14th day of September, 2023.

NOTARY PUBLIC

My Commission Expires:

THIS INSTRUMENT PREPARED BY:

Charles P. Helms, 912 Merchants Walk, Huntsville, AL 35801

EXHIBIT "A"
(Utility and Drainage Easement to be vacated)

STATE OF ALABAMA:
MADISON COUNTY:

Easement Vacation on Lots 17 & 18 Stonemark Sector 8:

Commencing at the Southwest Corner of Lot 17 of Stonemark Sector 8, as recorded in Plat Book 30, Page 15, in the Probate Records office of Madison County, Alabama; thence along the South Property Line of said Lot 17, North 74°04'14" East, a distance of 10.12' to a point on the West U&D Easement Line; thence along said line, North 24°22'26" West, a distance of 5.05' to a Point on the North easement Line, being the POINT OF BEGINNING; thence from the Point of Beginning, along said easement, North 74°04'14" East, a distance of 209.39' to a point on the East Easement Line; thence along said line, South 15°55'53" East, a distance of 10.00' to a point on the South easement Line on Lot 18 of Stonemark Sector 8, as recorded in Plat Book 30, Page 15, in the Probate Records office of Madison County, Alabama; thence along said easement, South 74°04'14" West, a distance of 207.85' to a point on the West Easement Line; thence along said line, North 24°42'02" West, a distance of 10.12' to the POINT OF BEGINNING; said described tract containing 0.05 Acres, more or less.

Ben George Lewis, PLS# 20639

Ordinance No. 23-_____ **(Cont.)**

ADOPTED this the 14th day of September, 2023.

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

APPROVED this the 14th day of September, 2023.

Mayor of the City of
Huntsville, Alabama