



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 2/9/2023

**File ID:** TMP-2538

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 1, Taylor Subdivision, Phase 2, 2939 Johnson Road SW. (Huntsville Rehabilitation Foundation)

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:**

**Address:** 2939 Johnson Road 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 a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Huntsville Rehabilitation Foundation, 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:

This Form Prepared By / Recording Requested By:

John Russell Munger, Jr  
Munger & Middleton, Attorneys at Law  
904 Southwest Merchants Walk  
Huntsville, AL 35801  
(256) 533-5252

File Number: 22-341

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## **QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of TEN AND 00/100 (\$10.00), and other good and valuable considerations, this day paid to **City of Huntsville, Alabama, an Alabama Municipal Corporation, of 308 Fountain Circle, Huntsville, AL 35801** (henceforth referred to as "Grantor"), the receipt of which is hereby acknowledged, the GRANTOR does hereby release, quitclaim, and convey unto **Huntsville Rehabilitaion Foundation, Inc., of 2939 Johnson Rd., Huntsville, AL 35805** (henceforth referred to as "Grantee"), in fee simple, the following described real estate with an assessor's value of Nominal for vacation of easement (\$0.00) and located at **2939 Johnson Rd., Huntsville, AL 35805**:

### **SEE ATTACHED "EXHIBIT A"**

*Source of Title: Book 2022 Page 57293 in the  
Office of the Judge of Probate of Madison County, Alabama.*

*No Title Opinion rendered or requested*

*The legal description contained in this instrument was furnished to the Scrivener by the grantee. The Scrivener makes no representation regarding (i) the accuracy of said legal description, including whether or not the same closes, or (ii) the status of title to the subject property.*

TO HAVE AND TO HOLD the tract or parcel of land above described, together with all the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEE, their heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has hereunto set their hand and seal this 9th day of February, 2023.

**City of Huntsville, Alabama Municipal Corporation**

\_\_\_\_\_  
By: Tommy Battle  
Its: Mayor

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, whose names as Mayor of City of Huntsville, Alabama Municipal Corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they, in their capacity as such Mayor and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand and official seal, this the 9th day of February, 2023.

SEAL

\_\_\_\_\_  
Notary Public:  
My commission expires:

IN WITNESS WHEREOF, the said GRANTOR, by its Authorized Member, who is authorized to execute this conveyance, has hereto set their signature and seal, this the 9th day of February, 2023.

**City of Huntsville, Alabama Municipal Corporation**

\_\_\_\_\_  
By: Kenneth Benion  
Its: 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 Kenneth Benion, whose names as Clerk-Treasurer of City of Huntsville, Alabama Municipal Corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they, in their capacity as such Clerk-Treasurer and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand and official seal, this the 9th day of February, 2023.

SEAL

\_\_\_\_\_  
Notary Public:  
My commission expires:

**EXHIBIT A**  
**LEGAL DESCRIPTION**

ALL THAT PART OF LOT 1 OF TAYLOR SUBDIVISION PHASE 2 AS RECORDED IN PLAT BOOK 2022, PAGES 380 AND 381 IN THE OFFICE OF THE JUDGE OF PROBATE MADISON COUNTY, ALABAMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 1 OF TAYLOR SUBDIVISION PHASE 2 THENCE, NORTH 00 DEGREES 51 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 58.49 FEET TO THE POINT OF BEGINNING FOR THE FOLLOWING PROPERTY;

THENCE FROM THE POINT OF BEGINNING; NORTH 88 DEGREES 24 MINUTES 34 SECONDS WEST, A DISTANCE OF 65.00 FEET TO A POINT;

THENCE, NORTH 00 DEGREES 51 MINUTES 01 SECONDS EAST, A DISTANCE OF 254.66 FEET TO A POINT;

THENCE ALONG SAID BOUNDARY OF LOT 2, SOUTH 89 DEGREES 36 MINUTES 27 SECONDS EAST, A DISTANCE OF 5.00 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 51 MINUTES 01 SECONDS WEST, A DISTANCE OF 249.77 FEET TO A POINT;

THENCE, SOUTH 88 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 51 MINUTES 01 SECONDS WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES OR 1573 SQUARE FEET, MORE OR LESS.

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

**ADOPTED** this the 9th day of February, 2023.

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

**APPROVED** this the 9th day of February, 2023 .

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Mayor of the City of  
Huntsville, Alabama