



# 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-4053

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**Department:** Urban Development

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a portion of the Utility and Drainage Easement within Lots 3 and 4 of MidCity Phase 16.

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:** Lots 3 and 4 of MidCity Phase 16

**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 **Mid-City Owner, 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:

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley  
Lanier Ford Shaver & Payne, PC  
Attorney for Grantor  
2101 W. Clinton Ave, Ste. 102  
Huntsville, Alabama 35805  
256-535-1100

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(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

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 MID-CITY OWNER, LLC, an Alabama 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 real estate 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 further 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 No. \_\_\_\_\_, as of this the 11 day of April, 2024.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama municipal  
corporation

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

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 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.

\_\_\_\_\_  
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: 920 Bob Wallace Ave, Ste. 320, Huntsville, Alabama 35802  
Property Address: +/-0.03 U&D easement (affecting Lots 3 & 4 of MidCity Ph. 16)  
Purchase Price: N/A

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

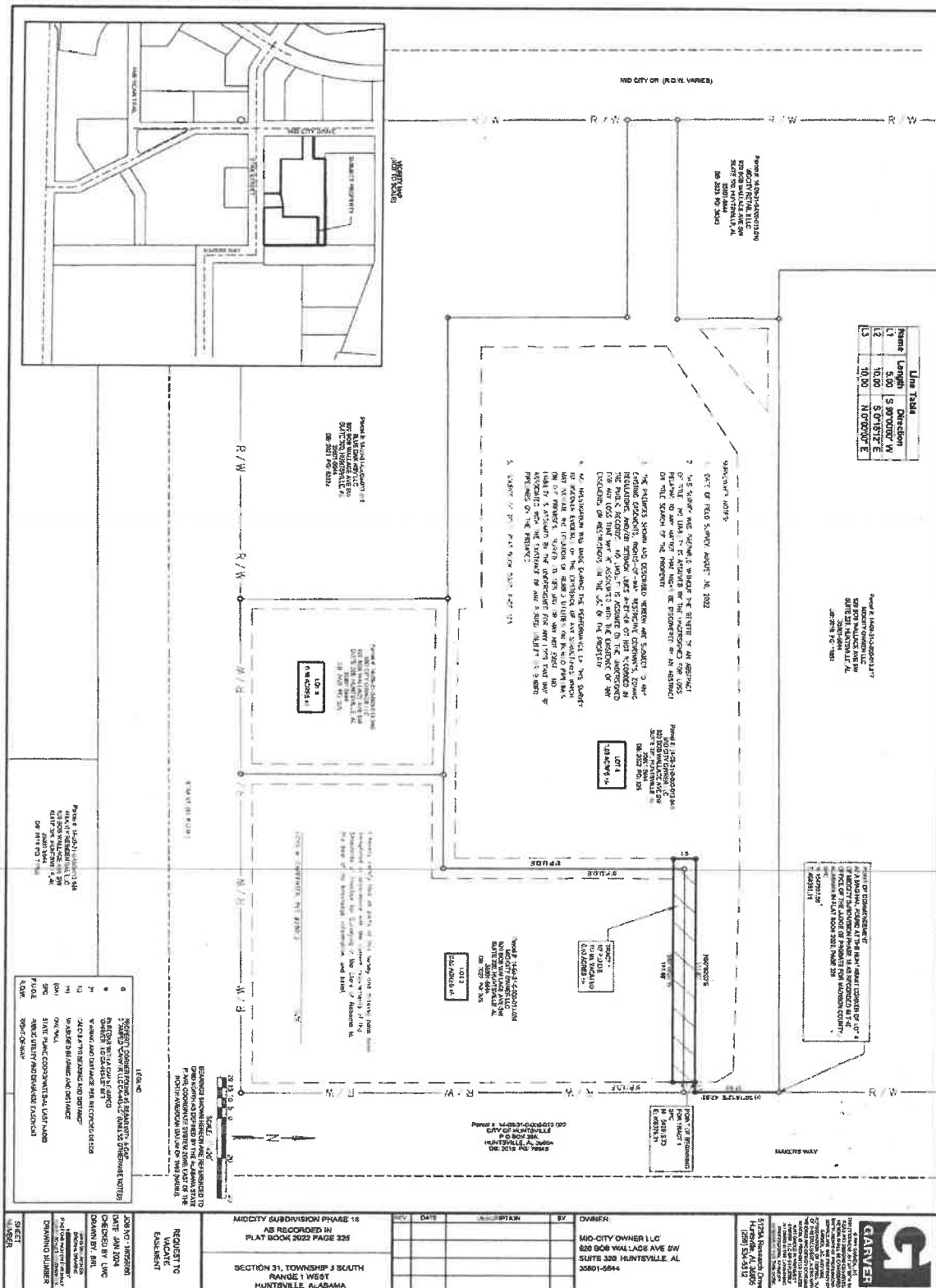
A tract of land lying and being in Section 31, Township 3 South, Range 1 West of the Huntsville Meridian, and being more particularly described as follows;

**Tract 1 - Request to Vacate a Portion of an Existing Public Utility and Drainage Easement, being a portion of Lots 3 and 4, as Shown on the plat of MidCity Phase 16 as Recorded in the Office of the Judge of Probate in Plat Book 2022, Page 325:**

Commencing at a mag nail found at the northeast corner of Lot 4, of MidCity Subdivision Phase 16 as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 2022, Page 325, said point being on the east right-of-way of Makers Way; thence along said right-of-way and the east boundary of said Lot 4 South 0 Degrees 18 Minutes 12 Seconds East a distance of 37.83 feet to a #5 rebar with a cap stamped "Garver LLC CA 445" (typical) set, thence leaving said Makers Way right-of-way and east boundary of Lot 4 South 90 Degrees 00 Minutes 00 Seconds West a distance of 5.00 feet a #5 rebar set, said point being on the north boundary of an Existing Public Utility and Drainage Easement and the Point of Beginning of the herein described tract, having established grid coordinates of N: 1542919.73, E: 406376.31 of Zone East of the Alabama State Plane Coordinate System;

Thence leaving said north boundary of said easement South 0 Degrees 18 Minutes 12 Seconds East a distance of 10.00 feet to a #5 rebar set on the south boundary of said existing easement; thence along said south boundary of said easement South 90 Degrees 00 Minutes 00 Seconds West a distance of 111.06 feet to a #5 rebar set on the west boundary of said existing easement; thence leaving said south boundary and along the west boundary of said easement North 0 Degrees 00 Minutes 00 Seconds East a distance of 10.00 feet to a #5 rebar set on the north boundary of said easement; thence leaving said west boundary and along the north boundary of said easement North 90 Degrees 00 Minutes 00 Seconds East a distance of 111.01 feet and the POINT OF BEGINNING.

The above described tract contains 0.03 acres (110.34 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

[illegible]

**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