



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/15/2022

File ID: TMP-2407

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, 103 SpaceGate, SpaceGate Subdivision.

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: SpaceGate Subdivision

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

Additional Comments:

ORDINANCE NO. 22-_____

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 **32 Fitness, LLC, and 23 Properties, LLC**, 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other good and valuable considerations paid to **CITY OF HUNTSVILLE, AN ALABAMA MUNICIPAL CORPORATION**, Grantor, in hand paid by **32 FITNESS, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AND 23 PROPERTIES, LLC, AN ALABAMA LIMITED LIABILITY COMPANY**, Grantees, the receipt of which is hereby acknowledged, the said Grantor hereby remises, releases, quitclaims and conveys unto the said Grantee, all of said Grantor's right, title, interest and claim, in and to the following described real estate, situated in Madison County, Alabama, to-wit:

Vacate the utility and drainage easement as stated on Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs and assigns of said Grantees forever.

IN TESTIMONY WHEREOF, the Grantor has caused this instrument to be executed on the 15th day of December, 2022.

**CITY OF HUNTSVILLE, A MUNICIPAL
CORPORATION IN THE STATE OF ALABAMA**

By:

**TOMMY BATTLE
AS ITS MAYOR**

ATTEST:

**KENNETH BENION
AS CITY CLERK-TREASURER**

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that before me personally appeared **TOMMY BATTLE AND KENNETH BENION**, whose names as **MAYOR AND CLERK-TREASURER, RESPECTIVELY, OF THE CITY OF HUNTSVILLE, ALABAMA, A MUNICIPAL CORPORATION**, are signed to the foregoing Quitclaim Deed, 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 for and as the act of said Municipal corporation on the date the same bears date.

Given under my hand and seal this the ~~15th~~ day of December, 2022

Notary Public
My Commission Expires: _____

The Grantor does hereby attest, to the best of Grantor's knowledge and belief that the information contained in this document, including the purchase price which can be verified by tax assessment, is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in Code of Alabama (1975) 40-22-1 (h).

Grantor address:
City of Huntsville 308 Fountain Circle, Huntsville, AL
35801

Grantees' address:
1020 Indian Creek Road, Huntsville, AL 35806

Property Address:
0 Spacegate (Lot 10 & 11), Huntsville, AL 35806

Value \$100
Date of transfer: _____, 2022.

This Instrument Prepared By:
A. Mac Martinson, Esq.
Martinson & Beason, P.C.
Attorneys at Law
115 North Side Square
Huntsville, Alabama 35801
(256) 533-1667

STATE OF ALABAMA)
COUNTY OF MADISON)

Exhibit "A"

EASEMENT VACATION OF UTILITY AND DRAINAGE EASEMENT BETWEEN LOT 10 AND LOT 11 SPACEGATE SUBDIVISION

ALL THAT PART OF LOT 10 AND LOT 11 OF SPACEGATE, A RESUBDIVISION OF SPACEGATE COMMERCIAL PARK (LESS AND EXCEPT LOT 12, BLOCK 2, LOT 9, BLOCK 1, LOT 9, BLOCK 3) AND OTHER LANDS, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 10.

THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 05 DEGREES 25 MINUTES 48 SECONDS EAST A DISTANCE OF 60.24 FEET TO THE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING SOUTH 89 DEGREES 39 MINUTES 18 SECONDS EAST, A DISTANCE OF 10.04 FEET TO A POINT;

THENCE SOUTH 05 DEGREES 25 MINUTES 48 SECONDS EAST, A DISTANCE OF 339.41 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 442.05 FEET;
THENCE CONTINUING ALONG SAID CURVE AN ARC DISTANCE OF 10.00 FEET (CHORD BEARING AND DISTANCE OF NORTH 85 DEGREES 19 MINUTES 37 SECONDS WEST, 10.00 FEET) TO A POINT;

THENCE NORTH 84 DEGREES 34 MINUTES 12 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT;

THENCE NORTH 05 DEGREES 25 MINUTES 48 SECONDS EAST, A DISTANCE OF 337.77 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 39 MINUTES 18 SECONDS EAST, A DISTANCE OF 10.04 FEET TO THE POINT OF BEGINNING.

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 15th day of December, 2022.

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

APPROVED this the 15th day of December, 2022.

Mayor of the City of
Huntsville, Alabama