



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

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

File ID: TMP-2377

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a ingress-egress easement in Tract 1, The Lakes at the Meadows 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: The Lakes at the Meadows Subdivision

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

Additional Comments:

This item will have to be published after its approval at the council meeting.

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 an ingress-egress easement; that the applicant has represented to the City of Huntsville that **Tennessee Valley Communities, 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

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, an Alabama municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by TENNESSEE VALLEY COMMUNITIES, LLC, an Alabama limited liability company, hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee 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 (the "Easement"):

SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the same unto the said Grantee, and to its successors and assigns, forever.

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Resolution No: _____, as of this the 15th day of December, 2021.

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____
Tommy Battle, Mayor

ATTEST:

Kenneth Benion, City Clerk-Treasurer

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 Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, 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, an Alabama municipal corporation.

Given under my hand and official seal this 15th day of December, 2022.

NOTARY PUBLIC

My Commission Expires: _____

This Instrument Prepared By:

Katherine Amos Beasley

Wilmer & Lee, PA

100 Washington Street

Huntsville, Alabama 35801

Ph: 256-533-0202

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EXHIBIT "A"
(Legal Description of Easement to be vacated)

A 20 FOOT WIDE PUBLIC EMERGENCY INGRESS-EGRESS EASEMENT INSTRUMENT AS RECORDED IN INSTRUMENT NUMBER 2020-00065935 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA LOCATED IN SECTION 5, TOWNSHIP 5 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 38 OF THE FINAL PLAT OF THE LAKES AT THE MEADOWS AS RECORDED IN INSTRUMENT NUMBER 2020-00065935 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE, SOUTH 87 DEGREES 52 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

THENCE, SOUTH 87 DEGREES 52 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE, NORTH 02 DEGREES 07 MINUTES 30 SECONDS WEST A DISTANCE OF 1333.30 FEET TO A POINT; THENCE, NORTH 87 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 20.00 FEET TO A POINT; THENCE, SOUTH 02 DEGREES 07 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 1333.59 FEET TO THE POINT OF BEGINNING,

CONTAINING 0.61 ACRES (26669 SQUARE FEET) MORE OR LESS.

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