



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 7/13/2023

**File ID:** TMP-3115

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a 10-foot Utility and Drainage Easement and a 20-foot Sanitary Sewer Easement between Lots 2a and 5, 2<sup>nd</sup> and 5<sup>th</sup> Addition of Bankston Subdivision. (Cove Retail)

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:** Bankston Subdivision

**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 and a sanitary sewer easement; that the applicant has represented to the City of Huntsville that **Cove Retail, LLC**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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:

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(Space Above Line for Use by Recording Office)

**THIS INSTRUMENT PREPARED BY:**

John R. Baggette, Jr.  
LANIER FORD SHAVER & PAYNE P.C.  
2101 West Clinton Ave., Ste. 102  
Huntsville, Alabama 35805  
(256) 535-1100

STATE OF ALABAMA )

COUNTY OF MADISON )

**QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into on this 13 day of July, 2023  
by and between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation, ("Grantor") and  
COVE RETAIL, LLC, an Alabama limited liability company ("Grantee").

**WITNESSETH:**

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash  
and other good and valuable consideration, this day in hand paid to the Grantor by the Grantee, the receipt  
and sufficiency of all of which is hereby expressly acknowledged by the Grantor, the Grantor has this day  
remised, released, quitclaimed, conveyed and confirmed and does, by these presents, remise, release,  
quitclaim, convey and confirm, unto the Grantee, all of the Grantor's right, title, interest and claim in and  
to the following described real estate situated in the County of Madison, State of Alabama, to wit:

**10' UTILITY AND DRAINAGE EASEMENT VACATION**

A PARCEL OF LAND BEING A PORTION OF LOT 2A OF THE FINAL PLAT OF  
"BANKSTON SUBDIVISION SECOND ADDITION" AS RECORDED IN PLAT BOOK 32  
PAGE 44, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY,  
ALABAMA AND BEING A PORTION OF LOT 5 OF THE FINAL PLAT OF "BANKSTON  
SUBDIVISION FIFTH ADDITION" AS RECORDED IN PLAT BOOK 40 PAGE 09 IN SAID  
OFFICE OF PROBATE, AND ALSO BEING LOCATED IN THE NORTHEAST QUARTER  
OF THE NORTHEAST QUARTER SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST  
OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN MARKING THE SOUTHWEST CORNER OF LOT 2A OF BANKSTON SUBDIVISION 2ND ADDITION AS RECORDED IN PLAT BOOK 32 PAGE 44, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND ALSO BEING THE NORTHWEST CORNER OF LOT 5 OF BANKSTON 3RD ADDITION AS RECORDED IN PLAT BOOK 40 PAGE 09, IN SAID PROBATE OFFICE, THENCE, SOUTH 89 DEGREES 16 MINUTES 32 SECONDS EAST, 5.50 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 23 DEGREES 51 MINUTES 08 SECONDS WEST, 5.50 FEET TO A POINT; THENCE SOUTH 89 DEGREES 16 MINUTES 32 SECONDS EAST, 428.92 FEET TO A POINT; THENCE SOUTH 23 DEGREES 53 MINUTES 30 SECONDS EAST, 11.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 16 MINUTES 32 SECONDS WEST, 428.93 FEET TO A POINT; THENCE NORTH 23 DEGREES 51 MINUTES 08 SECONDS WEST, 5.50 FEET TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES (4,314 SQUARE FEET), MORE OR LESS.

ALSO,

20' SANITARY SEWER EASEMENT VACATION

A PARCEL OF LAND BEING A PORTION OF LOT 5 OF THE FINAL PLAT OF "BANKSTON SUBDIVISION FIFTH ADDITION" AS RECORDED IN PLAT BOOK 40 PAGE 09, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND ALSO BEING LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 26, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON PIN MARKING THE SOUTHWEST CORNER OF LOT 2A OF BANKSTON SUBDIVISION 2ND ADDITION AS RECORDED IN PLAT BOOK 32 PAGE 44, IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND ALSO BEING THE NORTHWEST CORNER OF LOT 5 OF BANKSTON 3RD ADDITION AS RECORDED IN PLAT BOOK 40 PAGE 09, IN SAID PROBATE OFFICE, THENCE, SOUTH 23 DEGREES 51 MINUTES 08 SECONDS EAST, 5.50 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 89 DEGREES 16 MINUTES 32 SECONDS EAST, 439.92 FEET TO A POINT; THENCE SOUTH 23 DEGREES 53 MINUTES 30 SECONDS EAST, 21.99 FEET TO A POINT; THENCE NORTH 89 DEGREES 16 MINUTES 34 SECONDS WEST, 439.94 FEET TO A POINT; THENCE NORTH 23 DEGREES 51 MINUTES 08 SECONDS WEST, 21.99 FEET TO THE POINT OF BEGINNING. CONTAINING 0.20 ACRES (8,798 SQUARE FEET), MORE OR LESS.

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

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:	P.O. Box 308, Huntsville, AL 35804
Grantee's Address:	327 Old Highway 431, Suite A, Hampton Cove, AL 35763
Property Address:	U.S. 431, Owens Cross Roads, AL 35763
Actual Value:	\$500.00 – Nominal to Perfect Title

**IN WITNESS WHEREOF**, Grantor has hereunto set his hand and seal on the day and year first above written.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

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

**ATTESTED:**

By: \_\_\_\_\_  
Shaundrika Edwards, City Clerk

STATE OF ALABAMA            )

COUNTY OF MADISON        )

I, the undersigned, a Notary Public in and for the above County, in said State, hereby certify that Tommy Battle, as Mayor, and Shaundrika Edwards, as City Clerk, respectively of the City of Huntsville, Alabama, a 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 foregoing instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of the said City of Huntsville, Alabama, a municipal corporation, on the day the same bears date.

Given under my hand this the 13 day of July, 2023.

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NOTARY PUBLIC  
My Commission Expires:

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

**ADOPTED** this the 13th day of July, 2023.

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

**APPROVED** this the 13th day of July, 2023.

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Mayor of the City of  
Huntsville, Alabama