



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

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

File ID: TMP-2539

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easements, Lots 6 through 9, Block 18, Page 21, McJohn Industrial Park, McJohn Street. (Cagle)

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: McJohn Street

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 utility and drainage easements; that the applicants have represented to the City of Huntsville that **Stephen and Leslie B. Cagle**, are the owners 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:

STATE OF ALABAMA)
COUNTY OF MADISON)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by **Stephen and Leslie B. Cagle**, hereinafter referred to as Grantee, and other good and valuable considerations, 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 real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part Lot 6, Block 1 according to the record plat of McJohn Industrial Park as recorded in Plat Book 18, Page 21 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as beginning at the Southwest corner of said Lot 6; Thence from the Point of Beginning and along the west boundary line of said Lot 6, North 00 degrees 13 minutes 53 seconds West 92.22 feet to the Northwest corner of said Lot 6; Thence North 89 degrees 03 minutes 04 seconds East 10.00 feet; Thence South 00 degrees 13 minutes 53 seconds East 92.22 feet; Thence South 89 degrees 03 minutes 04 seconds West 10.00 feet to the Point of Beginning.

ALSO:

All that Part of Lot 7 and 8, Block 1 according to the record plat of Resubdivision of Lots 4 & 7 McJohn Industrial Park as recorded in Plat Book 19, Page 71 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as beginning at the Southwest corner of said Lot 7; Thence from the Point of Beginning and along the West boundary of said Lot 7 and 8 North 00 degrees 13 minutes 53 seconds West 185.25 feet to the Northwest corner of said Lot 8; Thence North 89 degrees 03 minutes 04 seconds East 203.74 feet; Thence South 01 degree 00 minutes 38 seconds East 5.00 feet; Thence South 89 degrees 03 minutes 04 seconds West 193.80 feet; Thence South 00 degrees 13 minutes 53 seconds East 180.25 feet; Thence South 89 degrees 03 minutes 04 seconds West 10.00 feet to the Point of Beginning.

ALSO:

All that part of Lot 9, Block 1 according to the record plat of Resubdivision of Lot 9, Block 1 of the Resubdivision of Lots 4 & 7 McJohn Industrial Park as recorded in Plat Book 24, Page 46 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as commencing at the Northwest corner of said Lot 9; Thence South 00 degrees 13 minutes 53 seconds East 10.00 feet to the Point of Beginning; Thence from the Point of Beginning North 88 degrees 34 minutes 59 seconds East 10.00 feet; Thence South 00 degrees 13 minutes 53 seconds East 113.55 feet; Thence North 89 degrees 03 minutes 04 seconds East 193.67 feet; Thence South 01 degrees 00 minutes 38 seconds East 5.00 feet; Thence South 89 degrees 03 minutes 04 seconds West 203.74 feet to the Southwest corner of said Lot 9; Thence along the West boundary of said Lot 9, North 00 degrees 13 minutes 53 seconds West 118.47 feet to the Point of Beginning.

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

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, this the 9th day of February 2023.

CITY OF HUNTSVILLE, ALABAMA
a municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Kenneth Benion
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 Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 corporation on the day the same bears day.

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

Notary Public

THIS INSTRUMENT PREPARED BY:
James L. McElroy, Jr. – PLS
McElroy Land Surveying Co., Inc.
4012 Triana Blvd.
Huntsville, Al. 35805

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 9th day of February, 2023.

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

APPROVED this the 9th day of February, 2023.

Mayor of the City of
Huntsville, Alabama