



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/13/2022

**File ID:** TMP-2158

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easement for Balch Senior Cottages and Stoneridge Villas. (HHA)

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:** NA

**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 **HUNTSVILLE HOUSING AUTHORITY**, 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 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 **HUNTSVILLE HOUSING AUTHORITY**, 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 described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

**SEE EXHIBIT "A"**

**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 13th day of October, 2022.

**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 13th day of October, 2022.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT PREPARED BY:

**EXHIBIT "A"**

**STATE OF ALABAMA        )**  
**)**  
**COUNTY OF MADISON     )**

**PORTION OF AN EXISTING 20-FOOT WIDE PUBLIC DRAINAGE EASEMENT TO BE VACATED**

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1/2-INCH CAPPED REBAR STAMPED "JOHNSON CA 0193 LS", BEING THE SOUTHEAST CORNER OF UNIT 2 OF "STONERIDGE VILLAS, A CONDOMINIUM" AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN DOCUMENT NUMBER 2018-00038195; THENCE RUNNING ALONG THE EASTERN BOUNDARY LINE OF SAID UNIT 2, NORTH 01 DEGREES 07 MINUTES 11 SECONDS EAST, A DISTANCE OF 293.19 FEET TO A POINT LYING ON AN EXISTING 20-FOOT PUBLIC DRAINAGE EASEMENT AS SHOWN ON "BALCH SENIOR COTTAGES SUBDIVISION" DOCUMENT NUMBER 2018-00011756 AND SAID "STONERIDGE VILLAS, A CONDOMINIUM, BOTH RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA; THENCE LEAVING SAID EASTERN BOUNDARY LINE AND RUNNING ALONG SAID EXISTING 20-FOOT PUBLIC DRAINAGE EASEMENT, SOUTH 73 DEGREES 48 MINUTES 27 SECONDS WEST, A DISTANCE OF 1.77 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, SOUTH 73 DEGREES 48 MINUTES 27 SECONDS WEST, A DISTANCE OF 4.39 FEET TO A POINT; THENCE SOUTH 19 DEGREES 12 MINUTES 29 SECONDS WEST, A DISTANCE OF 210.85 FEET TO A POINT; THENCE SOUTH 34 DEGREES 32 MINUTES 56 SECONDS WEST, A DISTANCE OF 98.27 FEET TO A POINT LYING ON AN EXISTING 10-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, SHOWN ON SAID "BALCH SENIOR COTTAGES SUBDIVISION" AND "STONERIDGE VILLAS, A CONDOMINIUM"; THENCE ALONG SAID 10-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, NORTH 89 DEGREES 22 MINUTES 26 SECONDS WEST, A DISTANCE OF 24.10 FEET TO A POINT; THENCE LEAVING SAID 10-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT NORTH 34 DEGREES 32 MINUTES 56 SECONDS EAST, A DISTANCE OF 109.03 FEET TO A POINT; THENCE NORTH 19 DEGREES 12 MINUTES 29 SECONDS EAST, A DISTANCE OF 218.48 FEET TO A POINT; THENCE SOUTH 52 DEGREES 32 MINUTES 11 SECONDS EAST, A DISTANCE OF 24.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.147 ACRES, MORE OR LESS.

**(SEE ATTACHED "EXHIBIT A-1" FOR DRAWING REFERENCE.)**

**Ordinance No. 22-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 13th day of October, 2022.

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

**APPROVED** this the 13th day of October, 2022.

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Mayor of the City of  
Huntsville, Alabama