



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 11/2/2023

File ID: TMP-3544

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 7A, The Sovereign Point Phase 2 Subdivision, Piedmont Drive. (Harbaugh)

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: Lot 7A, The Sovereign Point Phase 2 Subdivision, Piedmont Drive

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; that the applicants have represented to the City of Huntsville that **Joey L. Harbaugh and Tamala D. Harbaugh**, 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 easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

QUITCLAIM DEED FOR VACATION OF EASEMENT

WITNESSETH: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, (“Grantor”), in consideration of Ten Dollars (\$10.00) in hand paid by **JOEY L. HARBAUGH AND TAMALA D. HARBAUGH, husband and wife** (“Grantees”), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby REMISE, RELEASE, QUITCLAIM AND CONVEY unto the Grantees all of the Grantor’s right, title, interest and claim in and to the real estate situated in the City of Huntsville, County of Madison, State of Alabama, and described on **Exhibit “A”** attached hereto, and graphically depicted on **Exhibit “B”** attached hereto.

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

IN WITNESS WHEREOF, the Grantor has caused this quitclaim deed to be signed in its behalf by its Mayor and attested by its City Clerk, effective as of the 2nd day of November , 2023.

CITY OF HUNTSVILLE, ALABAMA
a municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

[notary acknowledgement on following page]

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 Shaundrika Edwards, whose names as Mayor and 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 instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation as of the day the same bears day.

Given under my hand and official seal this the 2nd day of November, 2023.

Notary Public

[SEAL]

My commission expires: _____

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: 308 Fountain Circle, Huntsville, AL 35801

Grantees' Address: 104 Joey Circle, Owens Cross Roads, AL 35763

Property Address: Easement vacation within Lot 7A of The Sovereign Point Ph. II, Piedmont Drive,
Huntsville, AL 35802

Purchase Price: \$0 – Nominal for vacation of easement

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION AND ISSUED NO TITLE OPINION OR TITLE INSURANCE.

This Instrument prepared by:
William H. Galloway
Schoel Engineering Company, Inc.
101 Washington St. SE
Huntsville, Alabama 35801
(256) 539-1221

EXHIBIT "A"
Property Description

STATE OF ALABAMA
COUNTY OF MADISON

10-FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT TO BE VACATED

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND LYING WITHIN LOT 7A OF THE FINAL PLAT OF THE SOVEREIGN POINT PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 226 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS A 10-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING ALONG THE FORMER COMMON LOT LINE BETWEEN LOTS 7 AND 8 OF THE FINAL PLAT OF THE SOVEREIGN POINT, AS RECORDED IN PLAT BOOK 2022, PAGE 416 IN SAID PROBATE OFFICE;

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 7A, SAID BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF PIEDMONT DRIVE AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1528798.32, EAST: 436984.18; THENCE SOUTH 07 DEGREES 53 MINUTES 10 SECONDS EAST, 19.06 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, RUN ALONG THE SOUTH MARGIN OF A 15-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT, 10.01 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 65.00 FEET, A DELTA ANGLE OF 08 DEGREES 49 MINUTES 24 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 69 DEGREES 43 MINUTES 52 SECONDS EAST, 10.00 FEET TO A POINT; THENCE, LEAVING SAID SOUTH EASEMENT MARGIN, SOUTH 20 DEGREES 16 MINUTES 08 SECONDS WEST, 382.56 FEET TO A POINT LYING ON THE EAST MARGIN OF A 20-FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT; THENCE RUN ALONG SAID EAST EASEMENT MARGIN, NORTH 11 DEGREES 18 MINUTES 03 SECONDS WEST, 19.10 FEET TO A POINT; THENCE, LEAVING SAID EAST EASEMENT MARGIN, NORTH 20 DEGREES 16 MINUTES 08 SECONDS EAST, 366.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.086 ACRES (3743 SQUARE FEET) MORE OR LESS.

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 2nd day of November, 2023.

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

APPROVED this the 2nd day of November, 2023.

Mayor of the City of
Huntsville, Alabama