



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/10/2025

File ID: TMP-5401

Department: Legal

Subject:

Type of Action: Introduction

Resolution to set a public hearing on the vacation of a portion of a right-of-way in Seminole Park at Indiana Avenue; and, the introduction of a Resolution consenting to; and, the introduction of an Ordinance vacating the right-of-way pertaining thereto. (Set May 8, 2025, Regular Council Meeting)

Resolution No.

Resolution No.

Ordinance No.

Does this item need to be published? Yes

If yes, please list preferred date(s) of publication: 4/16/25, 4/23/25, 4/30/25 and 5/7/25

Finance Information:

Account Number: TBD

City Cost Amount: NA

Total Cost: NA

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location:

Address: Seminole Park at Indiana Avenue

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

Additional Comments:

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That **Huntsville Housing Authority**, is the sole landowner abutting the property hereinafter described, submitted an application for the vacation of a portion of a Right-of-way being and lying in Madison County, and being more particularly described as follows (the "Right-of-way" or the "Property"):

SEE EXHIBIT "A" - "PETITION FOR VACATION OF A PORTION OF RIGHT-OF-WAY"

SEE EXHIBIT "B" - "DECLARATION OF VACATION OF RIGHT-OF-WAY"

SEE EXHIBIT "C" - "PUBLIC HEARING NOTICE"

2. That a public hearing shall be held for purpose of allowing public comments on the proposed vacation of said Right-of-way at Huntsville City Hall in the Council Chamber, located at 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, May 8, 2025; and

3. That notice of the vacation of the Right-of-way has been or shall be provided to all adjacent landowners and any known entities with facilities or equipment lying in said Right-of-way in accordance with Section 23-4-1 *et seq.* of the Code of Alabama, 1975, as amended; and

4. That the City Clerk is hereby ordered to have public hearing notice contained in Exhibit "C" attached hereto ("Public Notice"), immediately published in *The Speakin' Out News* for four consecutive weeks, with said notice to run beginning on April 16, April 23, April 30, and May 7, 2025.

5. It is hereby ordered that copies of the Public Notice shall be posted on bulletin boards located in the Madison County Courthouse and Huntsville City Hall.

ADOPTED this the 10th day of April, 2025.

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

APPROVED this the 10th day of April, 2025.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA

COUNTY OF MADISON

PETITION FOR VACATION OF A PORTION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, HUNTSVILLE HOUSING AUTHORITY, an Alabama public corporation (the "Owner"), desiring to vacate that portion of a certain right-of-way hereinafter described, says as follows:

1. WHEREAS, the said Owner is the owner of all the land abutting the hereinafter described section of right-of-way; and

2. WHEREAS, convenient and reasonable means of ingress and egress are available to the Owner and to other landowners of the surrounding property; and

3. WHEREAS, the said right-of-way, hereinafter described, is situated within the City of Huntsville, Alabama; and

4. WHEREAS, the undersigned, by this instrument, declare their intent and desire to vacate a portion of said right-of-way as hereinafter described, reserving unto the City of Huntsville a utility and drainage easement for certain utilities over, across, upon, and under that portion of such right-of-way to be vacated; and

5. WHEREAS, the undersigned wish for the entirety of the vacated property to be deeded from the City of Huntsville to Huntsville Housing Authority, an Alabama public corporation.

NOW, THEREFORE, the undersigned, as the Owner of the property abutting the said right-of-way hereinafter described, does hereby petition and urge that the City Council of the City of Huntsville adopt a resolution hereby declaring the designated portion of said right-of-way vacated and assenting to the vacation of said right-of-way, being described as follows:

**SEE EXHIBIT "A" attached hereto and incorporated herein,
as Depicted in Exhibit "B" attached hereto.**

IN WITNESS WHEREOF, the undersigned Owner of the property abutting said section of right-of-way hereinabove described has caused this petition to be executed, on this 25 day of March, 2025.

HUNTSVILLE HOUSING AUTHORITY, an
Alabama public corporation

By: 
Antonio McGinnis, Executive Director/CEO

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Antonio McGinnis, whose name as Executive Director/CEO of Huntsville Housing Authority, an Alabama public corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Huntsville Housing Authority, an Alabama public corporation, on the day the same bears date.

GIVEN under my hand and official seal this the 25th day of March, 2025.

Jacqueline Egbujo

Notary Public

My commission expires: _____

JACQUELINE M. EGBUJO
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES AUG. 10, 2025

This instrument prepared by:

Katherine Amos Beasley
Lanier Ford Shaver & Payne, PC
Attorney for Grantor
2101 W. Clinton Ave, Ste. 102
Huntsville, Alabama 35805
256-535-1100

EXHIBIT "A"

(Legal Description of Portion of Right of Way to be Vacated – portion of Indiana Street)

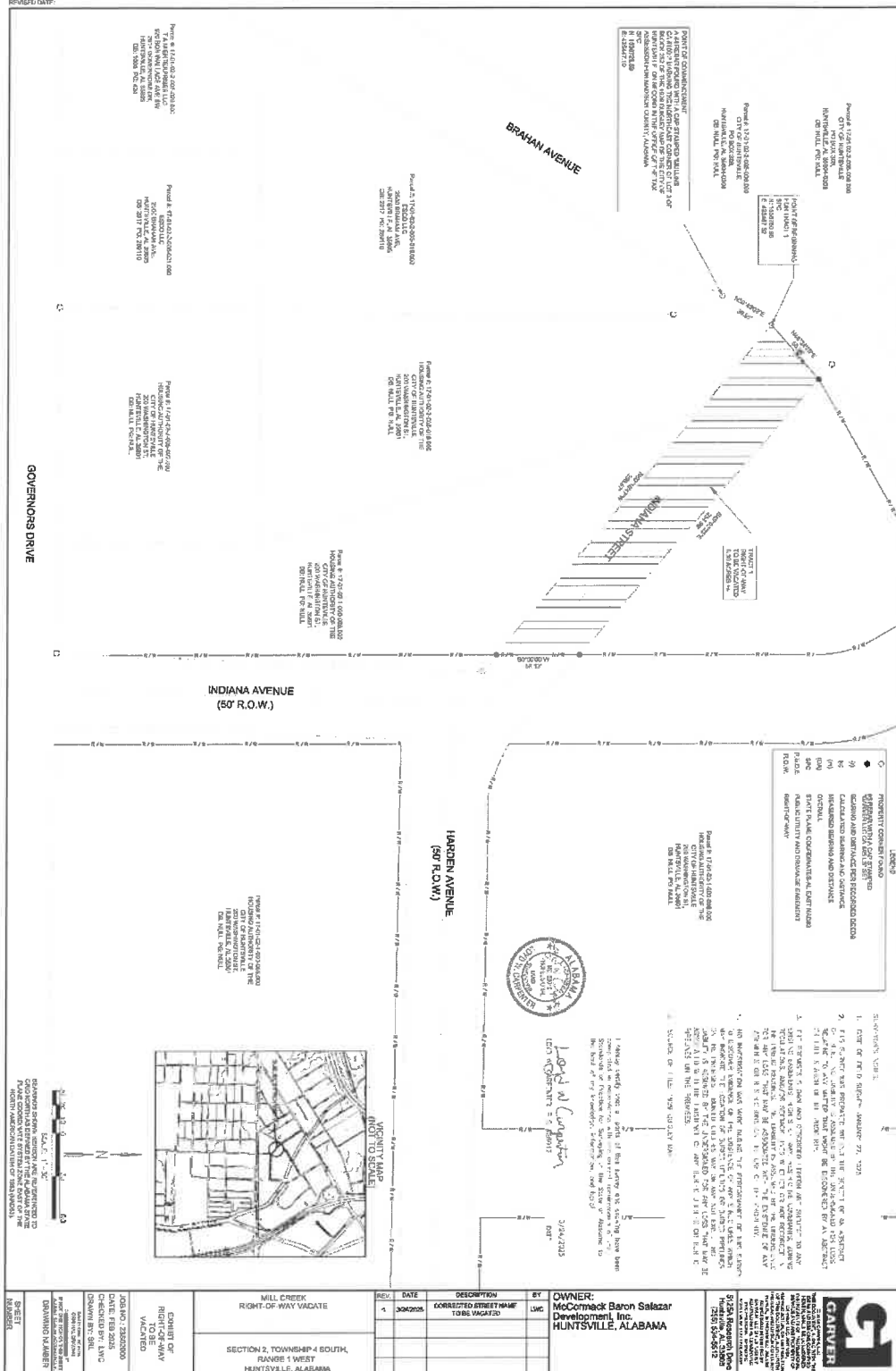
A tract of land lying and being in Section 2, Township 4 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows:

Commencing at a #4 rebar found with a cap stamped "MULLINS CA #1001" marking the northeast corner of Lot 3, Block 252 according to the 1929 Quigley Map of the City of Huntsville of record in the Office of the Tax Assessor for Madison County, Alabama, said point marking the easterly right-of-way of Brahan Avenue; thence along said right-of-way North 30 Degrees 43 Minutes 02 Seconds East a distance of 39.98 feet to a #5 rebar found marking the southerly right-of-way of Indiana Street, said point being the Point of Beginning of the herein described tract having established grid coordinates of N: 1536760.96, E: 425467.52, of the Alabama State Plane Coordinate System Zone West of NAD83;

Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet to a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

WORKSPACE Case: 2012
LJ0292502000 M3 Creek CHE - Baker Terrestrial Pcam RIGHT OF WAY VACATE MOORE RIGHT OF WAY VACATE Edge
REVISED DATE:



STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned HUNTSVILLE HOUSING AUTHORITY, an Alabama public corporation ("Owner") desiring to vacate that certain right-of-way hereinafter described, says as follows:

1. That Owner is the owner of all the land abutting the hereinafter described right-of-way.
2. That convenient and reasonable means of ingress and egress are available to the owners of the surrounding property.
3. That said right-of-way, hereinafter described, is situated within the corporate limits of the City of Huntsville, Alabama, and was heretofore dedicated to said City.
4. That Owner, by this instrument, declares its intent to vacate the said right-of-way, hereinafter described.
5. That it may be necessary for City to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, as the owner of all property abutting the said right-of-way hereinafter described, does hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-of-way vacated and assenting to the vacation of the following described right-of-way, being described, as follows:

SEE EXHIBIT "A" ATTACHED HERETO, and as depicted in Exhibit "B" attached hereto.

FURTHER, the undersigned Owner does request that all procedural requirements of §§ 23-4-2 and 23-4-5, Code of Alabama 1975, as amended, be observed.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned owner of all property abutting said right-of-way hereinabove described, has caused this instrument to be executed on this 25 day of March, 2025.

HUNTSVILLE HOUSING AUTHORITY, an
Alabama public corporation

By: 
Antonio McGinnis, Executive Director/CEO

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned Notary Public in and for said County and State, hereby certify that Antonio McGinnis, whose name as Executive Director/CEO of the Huntsville Housing Authority, Alabama public corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said Huntsville Housing Authority, an Alabama public corporation, on the day the same bears date.

GIVEN under my hand and official seal this the 25th day of March, 2025.



Notary Public

My commission expires:

JACQUELINE M. EGBUJO NOTARY PUBLIC, ALABAMA STATE AT LARGE MY COMMISSION EXPIRES AUG. 10, 2025
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Exhibit "A"

(Legal Description of Right-of-Way to be Vacated – Indiana Street)

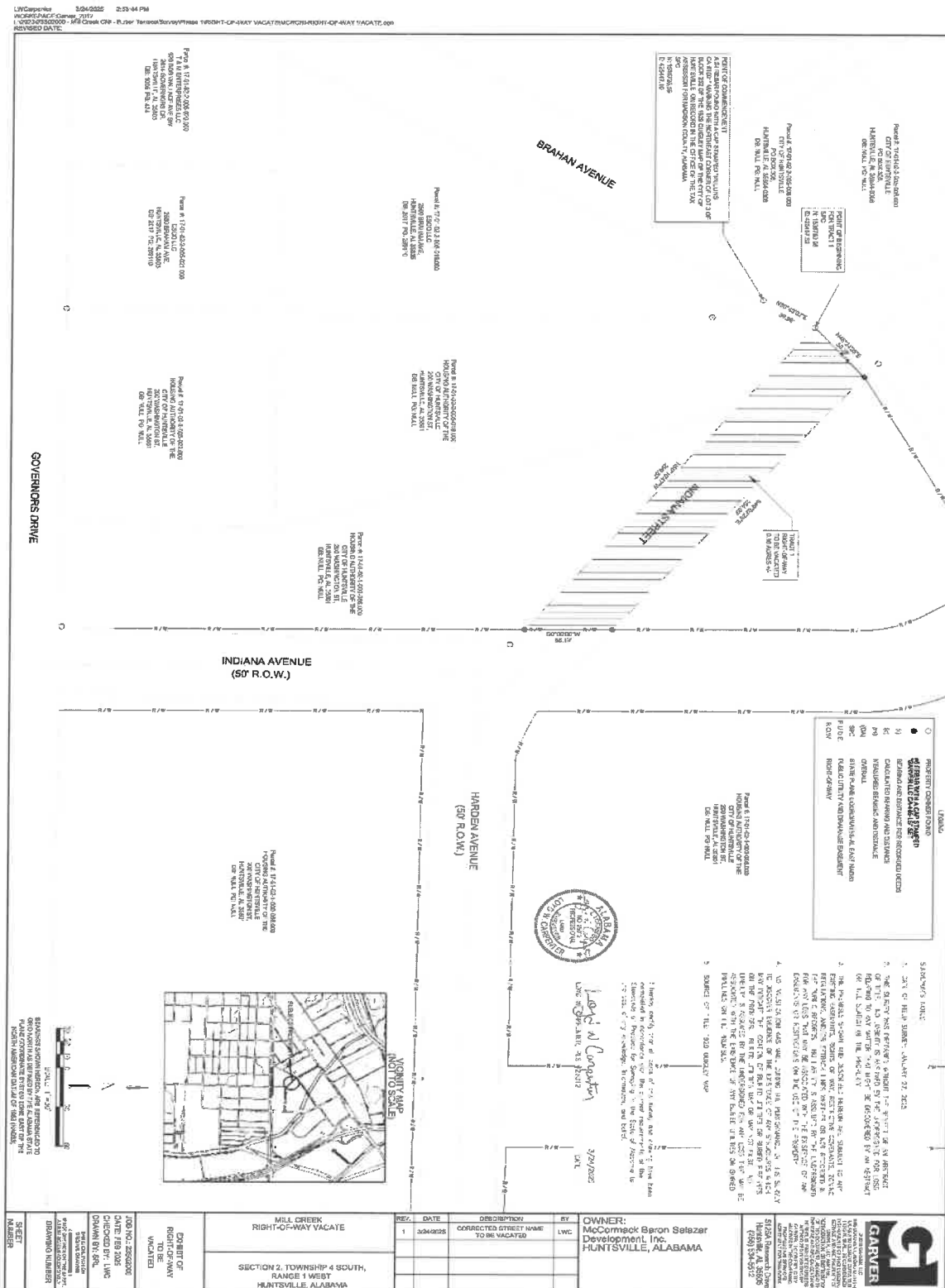
A tract of land lying and being in Section 2, Township 4 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows:

Commencing at a #4 rebar found with a cap stamped "MULLINS CA #1001" marking the northeast corner of Lot 3, Block 252 according to the 1929 Quigley Map of the City of Huntsville of record in the Office of the Tax Assessor for Madison County, Alabama, said point marking the easterly right-of-way of Brahan Avenue; thence along said right-of-way North 30 Degrees 43 Minutes 02 Seconds East a distance of 39.98 feet to a #5 rebar found marking the southerly right-of-way of Indiana Street, said point being the Point of Beginning of the herein described tract having established grid coordinates of N: 1536760.96, E: 425467.52, of the Alabama State Plane Coordinate System Zone West of NAD83;

Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet to a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

(Survey Sketch of ROW to be Vacated – portion of Indiana Street)



(Public Hearing Notice to be Published)

In accordance with Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, you are hereby notified of a public hearing to be held at Huntsville City Hall in the Council Chamber, located at 305 Fountain Circle, Huntsville, Alabama 35801, at 5:30 p.m. on Thursday, May 8, 2025.

The purpose of the hearing is to receive public comments on an application submitted by the City of Huntsville for the vacation of a portion of a Right-of-way which is in Seminole Park Add. 1929 Quigley Map Block 252, Lot 4, Indiana Avenue, which is more particularly described as follows:

Legal Description of Right-of-Way

STATE OF ALABAMA
MADISON COUNTY

A tract of land lying and being in Section 2, Township 4 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows:

Commencing at a #4 rebar found with a cap stamped "MULLINS CA #1001" marking the northeast corner of Lot 3, Block 252 according to the 1929 Quigley Map of the City of Huntsville of record in the Office of the Tax Assessor for Madison County, Alabama, said point marking the easterly right-of-way of Brahan Avenue; thence along said right-of-way North 30 Degrees 43 Minutes 02 Seconds East a distance of 39.98 feet to a #5 rebar found marking the southerly right-of-way of Indiana Street, said point being the Point of Beginning of the herein described tract having established grid coordinates of N: 1536760.96, E: 425467.52, of the Alabama State Plane Coordinate System Zone West of NAD 83;

Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

This notice is being sent by United States mail at least 30 days prior to the scheduled hearing to all abutting owners, if any, and to all entities known to have facilities or equipment within the public Right-of-way of the street to be vacated, as their names and addresses appear on roll in the Madison County Revenue Commissioner's office or Madison County Tax Assessor's office, and shall be posted at the Madison County Courthouse and at Huntsville City Hall. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing held as required by law, any such objection or request may be directed to: Attn: Thomas Nunez, City Planning Department, 305 Fountain Circle, 4th Floor, Huntsville, Alabama 35801 or thomas.nunez@huntsvilleal.gov.

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, within the State of Alabama, as follows:

1. That HUNTSVILLE HOUSING AUTHORITY, is the sole landowner abutting the property hereinafter described, made application for the vacation of that certain portion of Right-of-Way more particularly described as follows (the "Right-of-Way" or the "Property"):

See Exhibit "A" attached hereto and incorporated herein.

2. That notice of the vacation of the portion of the Right-of-Way has been given as required by Section 23-4-1 et seq. of the Code of Alabama, 1975, as amended, and a public hearing held for purposes of allowing public comments on the proposed vacation before the City Council.

3. That after vacation of the designated Right-of-Way and all public rights therein, convenient and reasonable means of ingress and egress to and from the respective property will be afforded to all property owners owning property in or near the Right-of-Way by the remaining streets, avenues, and highways.

4. That in the judgment and opinion of the City Council of the City of Huntsville that it is in the public interest and necessary and expedient that the City vacate the designated Right-of-Way and that the vacation of the designated Right-of-Way is in the best interests of the citizens of the City in that same will contribute to the health and general welfare of the citizens of the City of Huntsville, Alabama.

5. That the filing of the resolution with the Judge of Probate of Madison County, Alabama, shall operate as a declaration of the City's vacation of the Right-of-Way as described herein and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the Right-of-Way. Title and all public rights shall vest in the abutting landowners, Huntsville Housing Authority.

6. That notice of this resolution shall be published in The Speakin' Out News no later than fourteen (14) days from the date hereof.

NOW THEREFORE, be it resolved by the City Council of the City of Huntsville that they do hereby assent to the said vacation of the herein described Right-of-Way and the same is hereby vacated and annulled and all public rights therein divested of the Property.

ADOPTED this the 8th day of May, 2025.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 8th day of May, 2025.

TOMMY BATTLE
Mayor of the City of Huntsville, Alabama

EXHIBIT A

Legal Description of Right-of-Way

STATE OF ALABAMA COUNTY OF MADISON

A tract of land lying and being in Section 2, Township 4 South, Range 1 West of the Huntsville Meridian and being more particularly described as follows:

Commencing at a #4 rebar found with a cap stamped "MULLINS CA #1001" marking the northeast corner of Lot 3, Block 252 according to the 1929 Quigley Map of the City of Huntsville of record in the Office of the Tax Assessor for Madison County, Alabama, said point marking the easterly right-of-way of Brahan Avenue; thence along said right-of-way North 30 Degrees 43 Minutes 02 Seconds East a distance of 39.98 feet to a #5 rebar found marking the southerly right-of-way of Indiana Street, said point being the Point of Beginning of the herein described tract having established grid coordinates of N: 1536760.96, E: 425467.52, of the Alabama State Plane Coordinate System Zone West of NAD 83;

Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

ORDINANCE NO. 25-_____

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 certain right-of-way; that the applicant has represented to the City of Huntsville that **Huntsville Housing Authority**, is the owner of the property across which said right-of-way lies; that said right-of-way, or the portions 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 right-of-way 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, an Alabama public corporation, 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" attached hereto and incorporated herein and,
as depicted in EXHIBIT "B" attached hereto.

SUBJECT TO AND FURTHER RESERVING UNTO GRANTOR a public utility and drainage easement over, across, upon, and under a portion of the above-described property as further described in 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 City Clerk, this the 8th day of May, 2025.

CITY OF HUNTSVILLE, an Alabama
municipal corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

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, an Alabama 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 date.

GIVEN under my hand and official seal this the 8th day of May, 2025.

Notary Public

My commission expires: _____

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
Lanier Ford Shaver & Payne, PC
Attorney for Grantor
2101 W. Clinton Ave, Ste. 102
Huntsville, Alabama 35805
256-535-1100

EXHIBIT "A"

(Legal Description of Portion of Right of Way to be Vacated – portion of Indiana Street)

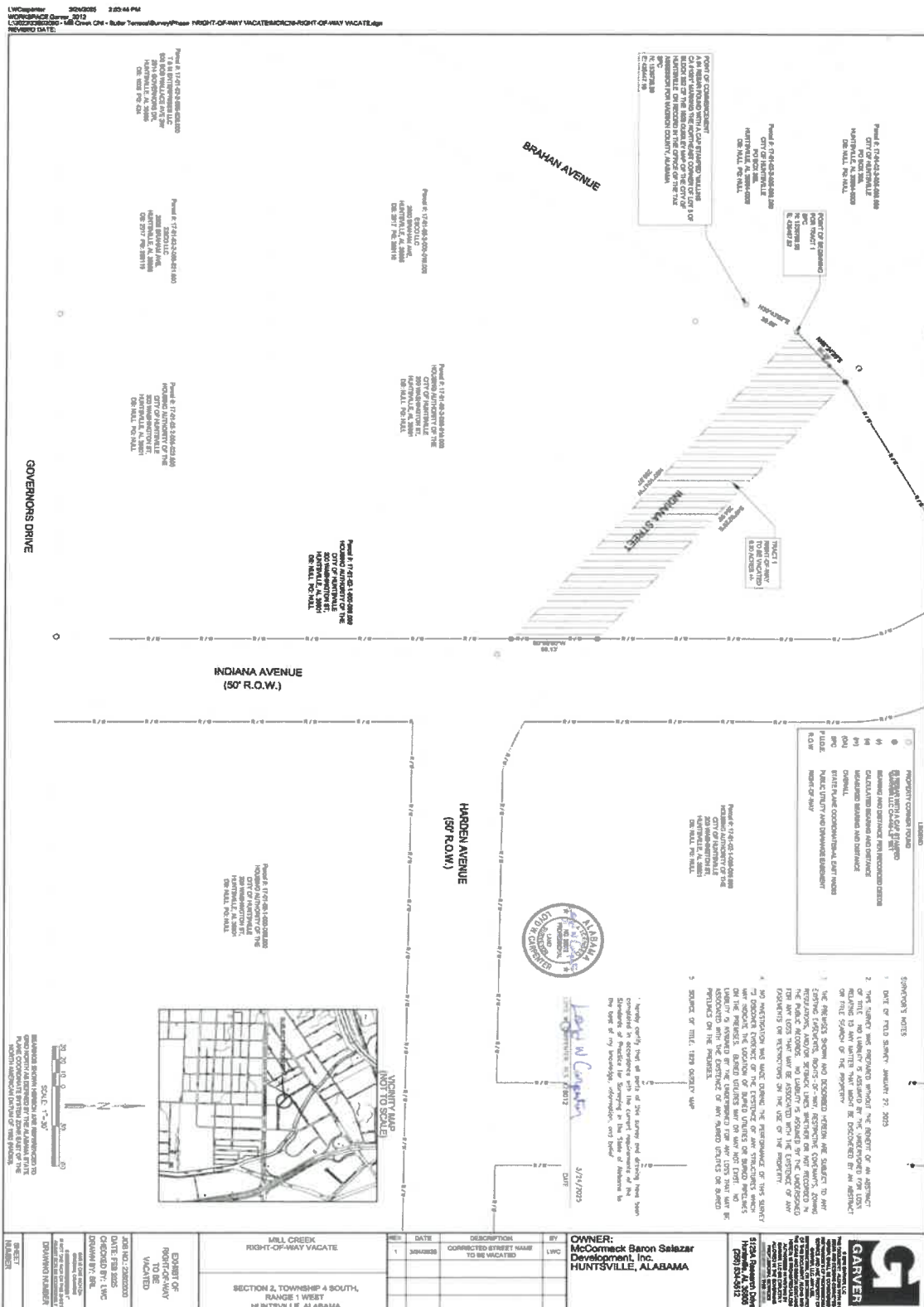
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Thence leaving said rights-of-way North 48 Degrees 24 Minutes 25 Seconds East a distance of 50.28 feet a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set marking the northerly right-of-way of Indiana Street; thence along said right-of-way South 49 Degrees 02 Minutes 25 Seconds East a distance of 254.99 feet to a #5 rebar set; thence leaving said right-of-way South 0 Degrees 00 Minutes 00 Seconds West a distance of 58.13 feet to a #5 rebar set marking the southerly right-of-way of Indiana Street; thence along said right-of-way North 50 Degrees 10 Minutes 47 Seconds West a distance of 299.67 feet to the POINT OF BEGINNING.

The above-described parcel contains 0.30 acres (13047.13 sq. ft.), more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

(Depiction of Right of Way to be Vacated – portion of Indiana Street)



Ordinance No. 25-_____ (Cont.)

ADOPTED this the 8th day of May, 2025.

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

APPROVED this the 8th day of May, 2025.

Mayor of the City of
Huntsville, Alabama