



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/10/2023

File ID: TMP-3224

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement at the rear lot line of Lot 16, Block 3, Owen Subdivision, 1710 Ballard Drive SE. (Brooks)

Ordinance No.

Finance Information:

Account Number: Click or tap here to enter text.

City Cost Amount: \$

Total Cost: \$

Special Circumstances:

Grant Funded: \$

Grant Title - CFDA or granting Agency: Click or tap here to enter text.

Resolution #: Click or tap here to enter text.

Location: (list below)

Address: 1710 Ballard Drive SE

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 **John Wayne Brooks, Trustee or his successors in trust of the John Wayne Brooks Management Trust, dated December 15, 2006, and Jane Holdsworth Brooks, Trustee or her successors in trust of the Jane Holdsworth Brooks Management Trust, dated December 15, 2006,** 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

THIS INDENTURE MADE AND ENTERED into this, the 10th day of August, 2023, by and between **CITY OF HUNTSVILLE, an Alabama municipal corporation**, hereinafter referred to as "Party of the First Part", and **John Wayne Brooks, Trustee or his successors in trust of the John Wayne Brooks Management Trust, dated December 15, 2006, and Jane Holdsworth Brooks, Trustee or her successors in trust of the Jane Holdsworth Brooks Management Trust, dated December 15, 2006**, hereinafter referred to as "Party of the Second Part".

WITNESSETH

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to the Party of the First Part in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, the Party of the First Part has this day remised, released, quitclaimed and conveyed to the Party of the Second Part, the following described lot or parcel of land lying and being situated in the County of Madison, State of Alabama, to-wit:

See Exhibit "A" attached and made a part hereto.

TO HAVE AND TO HOLD unto the Party of the Second Part, its successors and assigns forever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto caused this quitclaim to be signed in its behalf by its Mayor and attested by its City Clerk, the day and year hereinabove first written.

CITY OF HUNTSVILLE,
an Alabama municipal corporation

By: _____
Tommy Battle
Its: Mayor

ATTEST:

By: _____
Shaundrika Edwards
Its: City Clerk

*Prepared by:
Alan P. Judge, Attorney at Law
3330 L & N Drive, Suite A
Huntsville, Alabama 35801*

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Tommy Battle and S. Edwards, whose names, as Mayor and City Clerk, respectively, of the City of Huntsville, an Alabama municipal corporation, are signed to the foregoing conveyance, who are known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, 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 seal on this the 10th day of August, 2023.

Notary Public

Commission Expiration Date: _____

Grantor's name and address:

City of Huntsville
308 Fountain Circle SW
Huntsville, AL 35801

Grantee's name and address:

John Wayne Brooks, Trustee or his successors in trust of the John Wayne Brooks Management Trust, dated December 15, 2006, and Jane Holdsworth Brooks, Trustee or her successors in trust of the Jane Holdsworth Brooks Management Trust, dated December 15, 2006
1710 Ballard Dr SE
Huntsville, AL 35801

Property address:

1710 Ballard Dr SE
Huntsville, AL 35801

*Prepared by:
Alan P. Judge, Attorney at Law
3330 L & N Drive, Suite A
Huntsville, Alabama 35801*

“Exhibit A”

15 FEET OF A 20-FOOT UTILITY AND DRAINAGE EASEMENT:

All that part of Lot 15 and Lot 16, Block 3, according to the Plat of Owen Subdivision, as recorded in Plat Book 1, Page 99 ½ in the Office of the Judge of Probate of Madison County, Alabama; Particularly described as Commencing at the Southwest corner of said Lot 16; Thence North 71 degrees 02 minutes 29 seconds East 5.35 feet; Thence North 01 degree 47 minutes 05 seconds East 5.35 feet to the Point of Beginning of the herein described tract.

Thence from the Point of Beginning, North 01 degree 47 minutes 05 seconds East 16.04 feet; Thence North 71 degrees 02 minutes 29 seconds East 58.89 feet; Thence North 81 degrees 16 minutes 18 seconds East 15.57 feet; Thence South 01 degree 31 minutes 18 seconds West 15.24 feet; Thence South 81 degrees 16 minutes 18 seconds West 11.51 feet; Thence South 71 degrees 02 minutes 29 seconds West 63.23 feet to the Point of Beginning.

*Prepared by:
Alan P. Judge, Attorney at Law
3330 L & N Drive, Suite A
Huntsville, Alabama 35801*

Ordinance No. 23-_____ **(Cont.)**

ADOPTED this the 10th day of August, 2023.

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

APPROVED this the 10th day of August, 2023.

Mayor of the City of
Huntsville, Alabama