



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/12/2023

File ID: TMP-3455

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easements, Trailhead Huntsville Subdivision, Phase 4, South Eastern terminus of Moores Mill Road. (Concord Land Development)

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: Trailhead Huntsville Subdivision, Phase 4, South Eastern terminus of Moores Mill Road

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 applicant has represented to the City of Huntsville that **Concord Land Development, Inc.**, is the owner 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 FOR VACATION OF EASEMENTS

WITNESSETH: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, (“Grantor”), in consideration of Ten Dollars (\$10.00) in hand paid by Concord Land Development, Inc., an Alabama corporation (“Grantee”), and other good and valuable consideration, 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 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 Grantee, 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 12 day of October, 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 12th day of October, 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

Grantee's Address: 2000 Andrew Jackson Way NE, Huntsville, AL 35811

Property Address: Easement vacations off of Moores Mill Rd. NE, Huntsville, AL 35811

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 Descriptions

STATE OF ALABAMA
COUNTY OF MADISON

Easement "A" - portion of Public Utility & Drainage Easement to be vacated

All that part of the northeast quarter of Section 20, and the northwest quarter of Section 21, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, and lying within Lot 1 of the final plat of Trailhead Huntsville Phase Four as recorded in Document No. 2020-00014915 in the Office of the Judge of Probate, Madison County, Alabama, and being a portion of an existing Public Utility and Drainage Easement, and being more particularly described as follows:

Commencing at the northwest corner of said Lot 1 and having Alabama State Plane Coordinates (East Zone, NAD '83) of North: 1553671.69, East 444861.28; said point being further described as lying along the East boundary of a Greenway Area parcel deeded to the City of Huntsville as described in deed Document No. 2019-00037097 in said probate office; Thence South 26 degrees 00 minutes 34 seconds East, 128.13 feet to the Point of Beginning;

Thence, from the Point of Beginning, South 01 degree 22 minutes 02 seconds West, 77.77 feet to a point; thence North 81 degrees 51 minutes 19 seconds West, 4.75 feet to a point; thence South 08 degrees 08 minutes 41 seconds West, 13.98 feet to a point; Thence South 81 degrees 51 minutes 19 seconds East, 6.41 feet to a point; Thence South 01 degree 22 minutes 02 seconds West, 173.59 feet to a point; Thence South 71 degrees 09 minutes 30 seconds West, 7.35 feet to a point; Thence North 05 degrees 30 minutes 46 seconds West, 109.42 feet to a point; Thence North 01 degree 22 minutes 02 seconds East, 115.08 feet to a point; Thence North 25 degrees 40 minutes 49 seconds East, 48.58 feet to the Point of Beginning and containing 0.095 acres (4118 square feet) more or less.

AND

STATE OF ALABAMA
COUNTY OF MADISON

Easement "B" - portion of Public Utility & Drainage Easement to be vacated

All that part of the northwest quarter of Section 21, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, and lying within Lot 1 of the final plat of Trailhead Huntsville Phase Four as recorded in Document No. 2020-00014915 in

the Office of the Judge of Probate, Madison County, Alabama, and being a portion of an existing Public Utility and Drainage Easement, and being more particularly described as follows:

Commencing at the southwest corner of said Lot 1 and having Alabama State Plane Coordinates (East Zone, NAD '83) of North: 1553103.45, East 444813.09; said point being further described as lying along the East boundary of a Greenway Area parcel deeded to the City of Huntsville as described in deed Document No. 2019-00037097 in said probate office; said point being further described as lying on the north right-of-way margin of Barkwood Drive (66-foot wide right-of-way); Thence North 83 degrees 09 minutes 56 seconds East, 299.06 feet to the Point of Beginning;

Thence, from the Point of Beginning, South 81 degrees 39 minutes 39 seconds East, 106.20 feet to a point; Thence South 65 degrees 42 minutes 55 seconds East, 125.81 feet to a point; Thence North 73 degrees 00 minutes 36 seconds West, 229.79 feet to the Point of Beginning, and containing 0.042 acres (1835 square feet) more or less.

AND

Easement "C" - portion of Public Utility & Drainage Easement to be vacated

All that part of the northwest quarter of Section 21, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, and lying within Lot 1 of the final plat of Trailhead Huntsville Phase Four as recorded in Document No. 2020-00014915 in the Office of the Judge of Probate, Madison County, Alabama, and being a portion of an existing Public Utility and Drainage Easement, and being more particularly described as follows:

Commencing at the southeast corner of said Lot 1 and having Alabama State Plane Coordinates (East Zone, NAD '83) of North: 1552977.95, East 445793.91; said point being further described as lying on the north right-of-way margin of Barkwood Drive (66-foot wide right-of-way); Thence North 72 degrees 03 minutes 10 seconds West, 177.92 feet to the Point of Beginning;

Thence, from the Point of Beginning, North 88 degrees 37 minutes 58 seconds West, 181.04 feet to a point; Thence North 73 degrees 00 minutes 36 seconds West, 77.13 feet to a point; Thence South 83 degrees 58 minutes 54 seconds East, 256.17 feet to the Point of Beginning, and containing 0.043 acres (1880 square feet) more or less.

AND

Vacation of a 15-foot wide Buffer of Screen Planting Easement

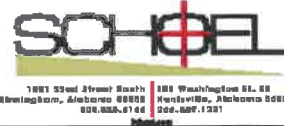
All that part of the northwest quarter of Section 21, Township 3 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, and lying within Lot 1 of the final plat of Trailhead Huntsville Phase Four as recorded in Document No. 2020-00014915 in the Office of the Judge of Probate, Madison County, Alabama, and being a 15-foot wide Buffer of Screen Planting Easement, originally established by the final plat of Trailhead Commercial Park Phase II as recorded in Document No. 2019-00012532 in said Probate Office, and being more particularly described as follows:

Commencing at the southeast corner of said Lot 1 and having Alabama State Plane Coordinates (East Zone, NAD '83) of North: 1552977.95, East 445793.91; said point being further described as lying on the north right-of-way margin of Barkwood Drive (66-foot wide right-of-way); Thence North 01 degree 22 minutes 02 seconds East, 42.53 feet to the Point of Beginning; said point being further described as the southeast corner of Lot 4 of said prior final plat of Trailhead Commercial Park Phase II;

Thence, from the Point of Beginning and along the south boundary of said (former) Lot 4 for the following courses: North 86 degrees 44 minutes 13 seconds West, 78.01 feet to a point; Thence South 88 degrees 48 minutes 39 seconds West, 94.54 feet to a point; Thence North 83 degrees 58 minutes 54 seconds West, 273.69 feet to a point; Thence North 65 degrees 42 minutes 55 seconds West, 151.48 feet to a point; Thence North 81 degrees 39 minutes 39 seconds West, 176.16 feet to a point; Thence North 80 degrees 49 minutes 16 seconds West, 141.73 feet to the southwest corner of said (former) Lot 4; Thence, run along the west boundary of said (former) Lot 4, North 01 degree 22 minutes 02 seconds East, 15.14 feet to a point; Thence, leaving said west boundary, run along the north margin of said 15-foot wide Buffer of Screen Planting Easement for the following courses: South 80 degrees 49 minutes 16 seconds East, 143.68 feet to a point; Thence South 81 degrees 39 minutes 39 seconds East, 178.15 feet to a point; Thence South 65 degrees 42 minutes 55 seconds East, 151.17 feet to a point; Thence South 83 degrees 58 minutes 54 seconds East, 270.33 feet to a point; Thence North 88 degrees 48 minutes 39 seconds East, 94.18 feet to a point; Thence South 86 degrees 44 minutes 13 seconds East, 78.09 feet to a point lying on the east boundary of said (former) Lot 4 of Trailhead Commercial Park Phase II, which is contiguous with the east boundary of said Lot 1 of Trailhead Huntsville Phase Four; Thence run along said east boundary, South 01 degree 22 minutes 02 seconds West, 15.01 feet to the Point of Beginning and containing 0.32 acres (13,734 square feet) more or less.

Depictions of Easements to be vacated (Hatched Areas)





Ordinance No. 23-_____ (Cont.)

ADOPTED this the 12th day of October, 2023.

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

APPROVED this the 12th day of October, 2023.

Mayor of the City of
Huntsville, Alabama