



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 11/17/2022

File ID: TMP-2315

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easement, 10023 Bluff Drive, Shadow Wood Subdivision.

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: 10023 Bluff Drive

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 applicants have represented to the City of Huntsville that **Allen G. Etheridge and wife, Jean M. Etheridge**, 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 quitclaim deeds vacating the easement hereinafter described, said deeds 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 **ALLEN G. ETHERIDGE and JEAN M. ETHERIDGE, HUSBAND AND WIFE**, 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:

All that part of Lot 1, Block 2, according to the plat of SHADOW WOOD, a Resubdivision of Pine Grove Subdivision Second Addition North Section (as recorded in Plat Book 2, page 24); Pine Grove Subdivision Fourth Addition (as recorded in Plat Book 3, page 144) and other lands, Huntsville, Alabama, as recorded in Plat Book 15, page 19, in the Office of the Judge of Probate of Madison County, Alabama. Particularly described as commencing at the Northeast corner of said Lot 1; Thence North 77 degrees 33 minutes 08 seconds West 27.06 feet to the Point of Beginning of the herein described tract.

Thence from the Point of Beginning, South 10 degrees 03 minutes 00 seconds East 5.41 feet; Thence North 77 degrees 33 minutes 08 seconds West 199.93 feet; Thence North 21 degrees 59 minutes 13 seconds East 5.07 feet; Thence South 77 degrees 33 minutes 08 seconds East 197.02 feet to the Point of Beginning and containing 992 square feet, more or less.

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 17th day of November, 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 17th day of November, 2022.

Notary Public

THIS INSTRUMENT PREPARED BY:
James L. McElroy, Jr. PLS
McElroy Land Surveying Co., Inc.
4012 Triana Boulevard, SW
Huntsville, AL 35805

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 **Allen G. Etheridge and wife, Jean M. Etheridge**, 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:

All that part of Lot 2, Block 2, according to the plat of SHADOW WOOD, a resubdivision of Pine Grove Subdivision, North Section, as recorded in Plat Book 2, page 24, Pine Grove Subdivision, Fourth Addition, as recorded in Plat Book 3, page 144 and other lands, as recorded in the Probate Records Office of Madison County, Alabama, in Plat Book 15, on page 19. Particularly described as commencing at the Southeast corner of said Lot 2; Thence North 77 degrees 33 minutes 08 seconds West 27.06 feet to the Point of Beginning of the herein described tract.

Thence from the Point of Beginning continue North 77 degrees 33 minutes 08 seconds West 197.02 feet; Thence North 21 degrees 59 minutes 13 seconds East 5.07 feet; Thence South 77 degrees 33 minutes 08 seconds East 194.11 feet; Thence South 10 degrees 03 minutes 00 seconds East 5.41 feet to the Point of Beginning and containing 978 square feet, more or less.

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 17th day of November, 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 17th day of November, 2022.

Notary Public

THIS INSTRUMENT PREPARED BY:
James L. McElroy, Jr. PLS
McElroy Land Surveying Co., Inc.
4012 Triana Boulevard, SW
Huntsville, AL 35805

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 17th day of November, 2022.

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

APPROVED this the 17th day of November, 2022.

Mayor of the City of
Huntsville, Alabama