



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 6/26/2025

**File ID:** TMP-5671

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**Department:** Engineering

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement in the Mark C. Smith Subdivision to the City of Huntsville.

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:** Mark C. Smith Subdivision

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

**Additional Comments:**

Easement vacation in the Mark C. Smith Subdivision for Project Delta.

**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 a utility and drainage easement; that the applicant has represented to the City of Huntsville that **The City of Huntsville, Alabama**, is the owner 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:

THIS INSTRUMENT PREPARED BY:

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

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(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED FOR VACATION OF UTILITY AND DRAINAGE EASEMENTS

THIS INDENTURE made and entered into on this 26 day of June, 2025, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by 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 following described utility and drainage easements situated in the City of Huntsville, County of Madison, State of Alabama, to-wit (the "Easements"):

See Exhibit "A" attached hereto and incorporated herein, and said Easements being depicted in Exhibit "B" and Exhibit "C" attached hereto.

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

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its City Clerk, pursuant to Ordinance No. \_\_\_\_\_, as of this the 26 day of June, 2025.

[SIGNATURE PAGE TO FOLLOW]

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 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 for and as the act of said municipal corporation on the day the same bears date.

GIVEN under my hand and official seal this the 26 day of June, 2025.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

**THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.**

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:	305 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address:	305 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Property Address:	two (2) +/- 0.80 acre u & d easements in S35, T3S, R2W
Purchase Price:	N/A

**Exhibit "A"**  
**(Legal Description of Vacated Easement)**

**Easement 1:**

A tract of land lying and being in Section 36, Township 3 South, Range 2 West of the Huntsville Meridian.

Said tract being a portion of the property conveyed to the City of Huntsville in Deed Book 2025, Page 5233 as recorded in the Office of the Judge of Probate for Madison County, Alabama and being more particularly described as follows:

Commencing at a #5 rebar with an illegible cap found marking the northeast corner of Lot 1 of a resubdivision of Lot 1 of a resubdivision of Lots 4 and 5, Block 4, and Lots 1 and 2, Block 5 of parts of Blocks 1, 4, 5 & 6 of Cummings Research Park West, Plat Book 22 Page 54 and other lands as recorded in Document number 20050812000534510 recorded in Document number 20060630000435510 and other lands as recorded in the Office of the Judge of Probate for Madison County Alabama in Document number 2008-000777320 said point marking the south right-of-way of Explorer Boulevard; thence leaving said right-of-way and along the east boundary of said Lot 1 South 04 Degrees 49 Minutes 58 Seconds East a distance of 25.26 feet to a #5 rebar with a cap Stamped "Garver LLC CA-445-LS: (typical) set, said point being the Point of Beginning of the herein described tract having established grid coordinates of (N) 1541950.97, (E) 399347.73 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83),

Thence continuing along said east boundary of said Lot 1 South 04 Degrees 49 Minutes 58 Seconds East a distance of 1390.81 feet to a point on the north boundary of an existing 25 foot Public Utility and Drainage Easement as recorded in Instrument number 2008-00777320; thence leaving said lot line and along said north boundary North 88 Degrees 12 Minutes 38 Seconds West a distance of 25.17 feet to a #5 rebar set marking the west boundary of an existing 25 foot Public Utility and Drainage Easement; thence leaving said north boundary and along the west boundary of said existing easement North 04 Degrees 49 Minutes 58 Seconds West a distance of 1391.53 feet to a point on the south boundary of an existing 25 foot Utility and Drainage Easement; thence leaving said west boundary and along said south boundary South 86 Degrees 35 Minutes 49 Seconds East a distance of 25.26 feet to the point of beginning and containing 0.80 acres more or less.

The above-described tract contains 0.80 acres (34525.835 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

**Easement 2:**

A tract of land lying and being in Section 36, Township 3 South, Range 2 West of the Huntsville Meridian.

Said tract being a portion of the property conveyed to the City of Huntsville in Document Number 201800032350 as recorded in the Office of the Judge of Probate for Madison County, Alabama and being more particularly described as follows:

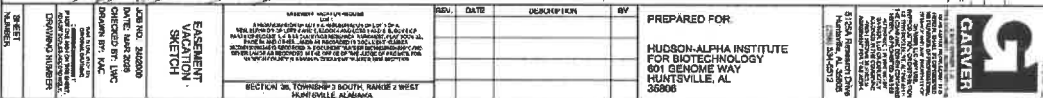
Commencing at a #5 rebar with an illegible cap found marking the northwest corner of Lot 1 of Mark C Smith Subdivision Phase 3 as recorded in the Office of the Judge of Probate for Madison County,

Alabama in Document 201800032350 said point marking the south right-of-way of Explorer Boulevard; thence leaving said right-of-way and along the west boundary of said Lot 1 South 4 Degrees 49 Minutes 58 Seconds East a distance of 25.26 feet to a #5 rebar with a cap Stamped "Garver LLC CA-445-LLC: (typical) set, said point being the Point of Beginning of the herein described tract having established grid coordinates of (N) 1541950.97, (E) 399347.73 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83);

Thence leaving said lot and along the south boundary of an existing 25 Public Utility and Drainage Easement South 86 Degrees 35 Minutes 49 Seconds East a distance of 25.26 feet to a #5 rebar set marking the east boundary of an existing 25 Public Utility and Drainage Easement to be vacated; thence leaving said south boundary and along the east boundary of said existing easement to be vacated South 04 Degrees 49 Minutes 58 Seconds East a distance of 1390.07 feet to a #5 rebar set marking the north boundary of an existing 25 Public Utility and Drainage Easement as recorded in Instrument number 2008-00777320; thence leaving said east boundary and along the north boundary of said easement line North 88 Degrees 15 Minutes 38 Seconds West a distance of 25.17 feet to a point on the west boundary of said Lot 1 of the Mark C. Smith Subdivision Phase 3; thence leaving said north boundary and along said lot line North 04 Degrees 49 Minutes 58 Seconds West a distance of 1390.81 feet to the point of beginning and containing 0.80 acres more or less.

The above-described tract contains 0.80 acres (34467.6977 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.

1/23/2019 12:54:00 PM - Human Resource Professional - Sandstone Ridge Research Park (HARRP) Project (File: CON Group 123456 - Comments: Revision Header - Alpha, Password: Vexxxxxx)



LYCServer 3/16/2023 10:46:48 AM  
 WCDSPACENetServer\_2112  
 132.167.111.2432023 - Hurricane On-Call Professional Services/USAF/Research Park/ISMAAR22 Project Data ODR Results/25Mar23 Document Review/Mark C Smith\_Emergency Vegetation





**ADOPTED** this the 26th day of June, 2025.

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

**APPROVED** this the 26th day of June, 2025.

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Mayor of the City of  
Huntsville, Alabama