



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/21/2023

File ID: TMP-3681

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 29, Abby Glen Phase 4 at McMullen Cove 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: (list below)

Address:

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 applicant has represented to the City of Huntsville that **Tennessee Valley Communities LLC**, 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 deeds being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by TENNESSEE VALLEY COMMUNITIES LLC, a Limited Liability Company hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

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

IN WITNESS WHEREOF, the City of Huntsville, has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to Ordinance No: _____, as of this the 21st day of December, 2023.

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 and 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 conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 21st day of December, 2023.

NOTARY PUBLIC

My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:

Alysabeth Brown
2 The Point Incorporated
8624 Memorial Parkway SW
Huntsville, Alabama 35802
Ph: 256-539-9426

EXHIBIT "A"
(Easement to be Vacated)

AREA 1 DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

ALL OF A 15 FOOT EASEMENT LOCATED ON TRACT A OF ABBY GLEN PHASE 4 AT MCMULLEN COVE AS RECORDED IN INSTRUMENT NUMBER 2021-71146 IN MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 9, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 37 OF SAID PLAT, THENCE NORTH 74 DEGREES 48 MINUTES 45 SECONDS EAST THENCE 30.51 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 36 DEGREES 40 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 15.80 FEET TO A POINT; THENCE, SOUTH 35 DEGREES 03 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 21.60 FEET TO A POINT; THENCE, SOUTH 54 DEGREES 56 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTH 35 DEGREES 03 MINUTES 47 SECONDS WEST A DISTANCE OF 16.65 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.01 ACRES (287 SQUARE FEET) MORE OR LESS.

AREA 2 DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

ALL OF A 15 FOOT EASEMENT LOCATED ON TRACT A OF ABBY GLEN PHASE 4 AT MCMULLEN COVE AS RECORDED IN INSTRUMENT NUMBER 2021-71146 IN MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 9, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 37 OF SAID PLAT, THENCE NORTH 54 DEGREES 56 MINUTES 12 SECONDS EAST THENCE 209.39 FEET TO A POINT; THENCE, NORTH 49 DEGREES 21 MINUTES 37 SECONDS EAST THENCE 84.42 FEET TO A POINT; THENCE, SOUTH 42 DEGREES 09 MINUTES 02 SECONDS EAST THENCE 5.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 49 DEGREES 21 MINUTES 37

SECONDS EAST FOR A DISTANCE OF 4.66 FEET TO A POINT; THENCE, NORTH 45 DEGREES 28 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 10.35 FEET TO A POINT; THENCE, SOUTH 42 DEGREES 09 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 311.80 FEET TO A POINT; THENCE, SOUTH 48 DEGREES 07 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTH 42 DEGREES 09 MINUTES 02 SECONDS WEST A DISTANCE OF 311.42 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.11 ACRES (4823 SQUARE FEET) MORE OR LESS.

AREA 3 DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

ALL OF A 15 FOOT EASEMENT LOCATED ON TRACT A OF ABBY GLEN PHASE 4 AT MCMULLEN COVE AS RECORDED IN INSTRUMENT NUMBER 2021-71146 IN MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 9, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 37 OF SAID PLAT, THENCE NORTH 54 DEGREES 56 MINUTES 12 SECONDS EAST THENCE 209.39 FEET TO A POINT; THENCE, NORTH 49 DEGREES 21 MINUTES 37 SECONDS EAST THENCE 89.05 FEET TO A POINT; THENCE, NORTH 45 DEGREES 28 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 120.58 FEET TO A POINT; THENCE, NORTH 34 DEGREES 46 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 136.54 FEET TO A POINT; THENCE, NORTH 23 DEGREES 38 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 5.21 FEET TO A POINT; THENCE, SOUTH 49 DEGREES 22 MINUTES 30 SECONDS EAST THENCE 5.23 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 23 DEGREES 38 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 15.68 FEET TO A POINT; THENCE, SOUTH 49 DEGREES 22 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 41.15 FEET TO A POINT; THENCE, SOUTH 08 DEGREES 09 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 105.40 FEET TO A POINT; THENCE, SOUTH 83 DEGREES 30 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 42.02 FEET TO A POINT; THENCE, SOUTH 63 DEGREES 21 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 15.87 FEET TO A POINT; THENCE, NORTH 86 DEGREES 01 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 30.49 FEET TO A POINT; THENCE, SOUTH 77 DEGREES 02 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 60.03 FEET TO A POINT; THENCE, SOUTH 73 DEGREES 37 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 36.25 FEET TO A POINT; THENCE, NORTH 88 DEGREES 59 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 39.68 FEET TO A POINT; THENCE, SOUTH 59 DEGREES 18 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 71.96 FEET TO A POINT; THENCE, SOUTH 14 DEGREES 43 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 5.76 FEET TO A POINT; THENCE, SOUTH 54 DEGREES 37 MINUTES 12 SECONDS WEST FOR A DISTANCE OF

16.03 FEET TO A POINT; THENCE, NORTH 14 DEGREES 43 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 5.11 FEET TO A POINT; THENCE, NORTH 59 DEGREES 13 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 61.71 FEET TO A POINT; THENCE, SOUTH 88 DEGREES 59 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 37.66 FEET TO A POINT; THENCE, NORTH 73 DEGREES 37 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 38.10 FEET TO A POINT; THENCE, NORTH 77 DEGREES 02 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 57.35 FEET TO A POINT; THENCE, SOUTH 86 DEGREES 01 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 32.36 FEET TO A POINT; THENCE, NORTH 63 DEGREES 21 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 17.31 FEET TO A POINT; THENCE, NORTH 83 DEGREES 30 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 50.93 FEET TO A POINT; THENCE, NORTH 08 DEGREES 09 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 111.34 FEET TO A POINT; THENCE NORTH 49 DEGREES 22 MINUTES 30 SECONDS WEST A DISTANCE OF 30.93 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.16 ACRES (6849 SQUARE FEET) MORE OR LESS.

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

ADOPTED this the 21st day of December, 2023.

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

APPROVED this the 21st day of December, 2023.

Mayor of the City of
Huntsville, Alabama