



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 3/14/2024

File ID: TMP-3971

Department: Urban Development

Subject:

Type of Action: Approval/Action

Resolution authorizing the City of Huntsville to acquire/condemn certain parcels of land for a pedestrian easement and temporary construction easement for the Graham Greenway Project.

Resolution No.

Finance Information:

Account Number: TBD

City Cost Amount: TBD

Total Cost: TBD

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location: (list below)

Address: Graham Greenway

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

Additional Comments:

RESOLUTION NO. 24-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn a pedestrian easement and accompanying temporary construction easement in and to the following described parcels of land, to include any and all revisions or amendments to the acquisitions under the project plans, viz:

See Exhibit "A," which is attached hereto and incorporated herein, a copy of the same being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama. A corresponding map for the parcels follows the parcel descriptions.

2. That the obtainment of the foregoing easements is necessary for the Graham Greenway Project, Project No. 71-19-WP02, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville be, and he is hereby, authorized, empowered and directed to cause said above-described parcels to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for the taking.

4. That the Mayor of the City of Huntsville be, and he is further, authorized, empowered and directed to attempt to acquire the said above-described easements for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire the easements for the purposes aforesaid by purchase from the owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Lanier Ford Shaver & Payne P.C., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the easements by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the said easements pursuant to the eminent domain code are hereby ratified.

ADOPTED this the 14th day of March, 2024.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 14th day of March, 2024.

Tommy Battle
Mayor of the City of Huntsville, Alabama

EXHIBIT "A"

Pedestrian Easement:

A tract of land lying and being in Section 13, Township 5 South, Range 1 West of the Huntsville Meridian. Said tract being a portion of the property conveyed to Seid-Rahim Ossooli-Dezfooli and Mohammad H. Naderi-Keshtkari in Deed Book 637, Page 935, and the Winner Team Construction Inc. at Deed Book 2022, Page 19547 as recorded in the Office of the Judge of Probate for Madison County, Alabama and being more particularly described as follows:

Commencing at a #4 rebar located at southeast corner of Ashtynn Manor Subdivision Phase 5A in Instrument 20100831000493790 as recorded in the Office of the Judge of Probate for Madison County, Alabama; thence North 88 Degrees 06 Minutes 15 Seconds West a distance of 2240.14 feet along south boundary of Ashtynn Manor Subdivision Phase 5A to a point on the south boundary of Ashtynn Manor Subdivision Phase 5A to the point and place of beginning of 30' Pedestrian Easement. Said point being the Point of Beginning of the herein described tract having established grid coordinates of (N) 1495977.89, (E) 429649.49 of Zone East of the Alabama State Plane Coordinate System of the North American Datum of 1983 (NAD83);

Thence leaving said south boundary South 01 Degrees 53 Minutes 43 Seconds West a distance of 30.00 feet along East boundary of 30' Pedestrian Easement; thence along South boundary of 30' Pedestrian Easement North 88 Degrees 06 Minutes 17 Seconds East a distance of 270.00 feet to a point on the west boundary of 30' Pedestrian Easement; thence along west boundary of 30' Pedestrian Easement North 01 Degrees 53 Minutes 43 Seconds East a distance of 30.00 feet to a point on the south boundary of Ashtynn Manor Subdivision Phase 5A; thence along said South boundary South 88 Degrees 06 Minutes 17 Seconds East a distance of 270.00 feet to the POINT OF BEGINNING.

The above described 30' Pedestrian Easement tract contains 0.186 acres (8100.00 sq. ft.), more or less.

Temporary Construction Easement:

Also Includes a 10' Temporary Construction Easement along East, South and West Boundary of 30' Pedestrian Easement.

The above Temporary Construction Easement tract contains 0.080 acres (3500.00 sq. ft.), more or less.

