



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/26/2023

File ID: TMP-3528

Department: Urban Development

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to approve a petition from the MidCity Improvement District to amend its Articles of Incorporation to expand the boundary of the said improvement district.

Resolution No.

Finance Information:

Account Number: N/A

City Cost Amount: N/A

Total Cost: N/A

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments:

N/A

RESOLUTION NO. 23-

**A RESOLUTION APPROVING A PETITION SEEKING AUTHORITY TO AMEND
THE DISTRICT AND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT**

WHEREAS, a petition (hereinafter defined as the "Petition") was filed with the City Council of the City of Huntsville, Alabama (the "Council"), the governing body of the City of Huntsville, requesting authority to expand the MidCity Improvement District (the "District") to add additional property described in the Petition with the consent of the owner of the additional property and to amend the Articles of Incorporation of the District for such expansion pursuant to the provisions of the statutes codified as Chapter 99A of Title 11 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented (the "Act"), which petition is attached hereto as Exhibit A (the "Petition"); and

WHEREAS, the Council has received the Petition;

NOW, THEREFORE, BE IT RESOLVED, that the Council approves expanding the District to add the additional property described therein, and hereby approves the Petition.

ADOPTED this the 26th day of October, 2023.

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

APPROVED this the 26th day of October, 2023.

Mayor of the City of Huntsville, Alabama

Exhibit A
Petition

**PETITION TO AMEND THE DISTRICT AND THE ARTICLES OF INCORPORATION
OF MIDCITY IMPROVEMENT DISTRICT**

TO THE GOVERNING BODY OF THE CITY OF HUNTSVILLE, ALABAMA:

The undersigned Chairman of the Board of Directors of the MidCity Improvement District (the "District") does hereby petition the City Council of the City of Huntsville, Alabama (the "City Council") to obtain authority to amend the District and the articles of incorporation of the District in accordance with the provisions of the statutes codified as Chapter 99A of Title 11 of the Code of Alabama 1975, as heretofore amended or supplemented (the "Act"), and states and certifies the following:

(1) The District is a public corporation organized as an improvement district under the provision of the Act by Articles of Incorporation filed in the office of the Judge of Probate of Madison County, Alabama, on August 13, 2018, and recorded as Instrument No. 2018- 00052026.

(2) On February 20, 2019, following a public hearing and subject to the approval of the City Council, the Board of Directors of the District adopted a resolution to amend the District to add additional property contiguous with land within the District located within the corporate limits of the City of Huntsville, Alabama, with the consent of the owner of such additional property, and to amend the Articles of Incorporation of the District for such expansion of the District. Pursuant to such approval, a First Amendment to Articles of Incorporation of the District was filed in the office of the Judge of Probate of Madison County on April 8, 2019, and recorded as Instrument No. 2019-00020435.

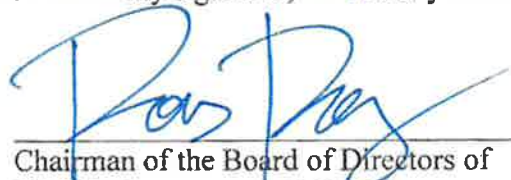
(3) (3) On February 8, 2023, following a public hearing and subject to the approval of the City Council, the Board of Directors of the District adopted a resolution to additionally amend the District to add additional property contiguous with land within the District located within the corporate limits of the City of Huntsville, Alabama, with the consent of the owner of such additional property, and to additionally amend the Articles of Incorporation of the District for such expansion of the District. The legal description of such additional land is set forth on Exhibit A attached hereto, and a map or plat of such additional land is set forth on Exhibit B attached hereto.

(4) MidCity South, LLC is the owner of the additional land described on Exhibit A-1 and depicted on Exhibit B-1 provides its written consent below to the addition of such property to the District.

(5) A proposed form of the Second Amendment to Articles of Incorporation for the District is attached as Exhibit C regarding the expansion of the District.

(6) The undersigned hereby requests on behalf of the Board of Directors of the District that the City Council adopt a resolution which declares that it has reviewed the contents of this petition and authorizes and approves adding the additional property described on Exhibit A-1 and depicted on Exhibit B-1 to the District and the proposed Second Amendment to the Articles of Incorporation of the District regarding the expansion of the District.

IN WITNESS WHEREOF, I have hereunto set my signature, this 4th day of October, 2023.



Chairman of the Board of Directors of
MidCity Improvement District

Consent of Owner:

MidCity South, LLC is the owner of that certain property described on Exhibit A-1 and depicted on Exhibit B-1 attached to this Petition and hereby consents to the addition of such property to the District.

MidCity South, LLC, an Alabama limited liability company

By: RCP Capital I, LLC, an Alabama limited liability company, as its Manager

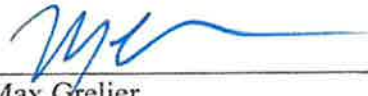
By:  _____
Max Grelier
Its: Manager

EXHIBIT A-1

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Legal Description of Additional Land to be included within the District

See Attached Legal Description

EXHIBIT A

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY IMPROVEMENT DISTRICT

LAND

Lot 1, Lot 2, and Tract 4 according to that Final Plat of MidCity Subdivision, Phase 2, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2017-00611239.

Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5, according to that Final Plat of MidCity Subdivision, Phase 3, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2018-00011816.

Lot 1 and Lot 4 of Block 10, and Tract 1 according to that Final Plat of MidCity Subdivision, Phase 4, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2018-00024861.

Lot 1, Lot 2, Lot 3, Lot 6 and Lot 7, Block 9, according to that Final Plat of MidCity Subdivision, Phase 5, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2018-00068577.

Lot 1 of Block 5, Lot 1 and Lot 2 of Block 7, Lot 1 of Block 8 and Lot 4, Block 9, Lot 2 and Lot 5 of Block 10, Lot 8, Lot 12 and Lot 13, and Tract 2 and Tract 3 according to that Final Plat of MidCity Subdivision, Phase 7, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2019-00013667.

Lot 1 and Lot 2, according to that Final Plat of MidCity Subdivision, Phase 10, as recorded in the Office of the Judge of Probate of Madison County, Alabama, as Instrument No. 2019-00032454.

[Legal description continues on following page]

3605418-1 12345 0007000

MIDCITY IMPROVEMENT DISTRICT
LEGAL DESCRIPTION PROVIDED ON
9-18-2019 BY:
HARTMAN SIMONS & WOODS LLP
6400 Powers Ferry Road NW
Atlanta, Georgia, 30339
Phone: 770.955.3555

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5125A Research Drive
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(256) 534-5512

MIDCITY IMPROVEMENT
DISTRICT
HUNTSVILLE, AL
MIDCITY IMPROVEMENT
DISTRICT PLAN

DISTRICT LEGAL
DESCRIPTION

FIGURE NUMBER
EXHIBIT 4A

SHEET
NUMBER

Lone Star Parcel

All that part of the Northeast quarter of Section 31 Township 3 South Range 1 West in the City of Huntsville, Madison County, Alabama; particularly described as beginning at a point that is located on the Southerly margin of University Drive (U.S. Highway No. 72 West) right-of-way and being further described as beginning at a point that is located North 89 degrees 11 minutes East 274.03 feet, North 00 degrees 12 minutes East 1694.59 feet, North 22 degrees 29 minutes East 184.64 feet, North 44 degrees 54 minutes East 472.11 feet, North 75 degrees 50 minutes East 170.30 feet and South 72 degrees 26 minutes East 281.50 feet from the center of said Section 31;

Thence from the true Point of Beginning continue along the South margin of said University Drive (U.S. Highway No. 72 West) right-of-way by the following actual bearings and distances: South 72 degrees 25 minutes 37 seconds East 203.89 feet, and South 81 degrees 46 minutes 16 seconds East 40.65 feet.

Thence leaving said right-of-way an actual bearing and distance of South 17 degrees 35 minutes 37 seconds West 258.82 feet, to a point on the Northerly margin of the Ring Access Road right-of-way;

Thence with an actual bearing and distance of North 75 degrees 58 minutes 10 Seconds West 170.75 feet along the said right-of-way to the point of beginning of a curve to the left having a radius of 188.50 feet;

Thence along the arc of said curve and continue along the Northerly margin of said Ring Access Road right-of-way an actual chord bearing and distance of North 87 degrees 35 minutes 34 seconds West 76.10 feet.

Thence leaving the said right-of-way an actual bearing and distance of North 17 degrees 34 minutes East 282.68 feet to the place of beginning and containing 1.4707 acres, more or less.

[Legal description continues on following page]

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DISTRICT LEGAL
DESCRIPTION

FIGURE NUMBER
EXHIBIT 4B

SHEET
NUMBER

Madison Plaza Parcels

All that part of Sections 31 and 32, Township 3 South, Range 1 West in the City of Huntsville, Madison County, Alabama, particularly described as beginning at a point on the North right of way of Sanderson Street that is located North 01°26'47" West 9.13 feet, North 89°09'50" East 401.29 feet, and North 02°00'00" West 46.29 feet from the center of the West boundary of said Section 32; Thence from the true point of beginning along the North right of way of Sanderson Street North 89°17'41" West 80.00 feet; Thence North 44°20'05" East 20.71 feet; Thence North 02°00'00" West 105.00 feet; Thence North 43°57'14" West 37.19 feet; Thence North 85°52'57" West 240.00 feet; Thence South 54°04'47" West 23.02 feet; Thence South 05°00'00" East 136.72 feet to a point on the North right of way of Sanderson Street, said point is further described as being on a curve to the right having a radius of 914.93 feet; thence along the North right of way of said Sanderson Street and the arc of said curve a chord bearing and distance of North 77°14'06" West 103.19 feet; Thence South 16°00'00" West 10.00 feet to a point on a curve to the right having a radius of 924.93 feet; Thence continuing along the North right of way of Sanderson Street and the arc of said curve a chord bearing and distance of North 70°29'41" West 113.00 feet to the P.T. of said curve; Thence continuing along the North right-of-way of said Sanderson Street North 66°59'30" West 92.30 feet to the P.C. of a curve to the right having a radius of 48.06 feet; Thence along the arc of said curve a chord bearing and distance of North 30°25'42" West 55.19 feet to the P.T. of said curve, said point is further described as being on the East right of way of Old Monrovia Road Extended; Thence along the East right of way of said Old Monrovia Road Extended North 03°05'10" East 627.04 feet to Tax Parcel Number 1409310000010000; Thence along the South boundary of said Tax Parcel the following bearings and distances: Thence South 85°53'01" East 276.44 feet; North 04°06'59" East 66.00 feet, South 85°53'01" East 145.00 feet; South 04°06'59" West 60.00 feet; South 85°53'01" East 44.00 feet; and North 54°41'55" East 94.49 feet to a point and the East boundary of said Tax Parcel and the West margin of a service road; Thence along the East boundary of said Tax Parcel and the West margin of said service road North 04°06'59" East 272.25 feet to the Northeast corner of said Tax Parcel; Thence along the North boundary of said Tax Parcel and the South margin of said service road the following bearings and distances: North 85°53'01" West 473.47 feet; South 04°06'59" West 43.00 feet; and North 85°53'00" West 70.27 feet to a point on the East right of way of Old Monrovia Road Extended; Thence along the East right of way of Old Monrovia Road Extended the following bearings and distances: North 03°05'10" East 77.65 feet, South 86°54'50" East 10.00 feet; North 0°26'08" East 40.16 feet; North 04°04'5" East 38.46 feet, North 05°06'50" East 66.80 feet; and North 07°09'46" East 47.02 feet to the Southwest corner of the First Alabama Bank tract; Thence along the South boundary said First Alabama Bank tract and the North margin of a service road South 85°53'00" East 259.57 feet; Thence, South 04°07'00" West 3.10 feet to the Southwest corner of the Krystal company tract; thence along the South boundary of said Krystal Company tract and the North margin of a service road South 85°53'00" East 199.32 feet; Thence continuing along the South boundary of said Krystal Company tract and the North margin of said service road North 66°53'00" East 34.63 feet to a point on the Southwestern right of way of Holmes Avenue; Thence along the Southwestern right of way of said Holmes Avenue South 01°53'00" East 46.43 feet; Thence continuing along the Southwestern right of way said Holmes Avenue South 52°34'00" East 64.73 feet to a point on the East margin of a service road; Thence along the East margin of said service road South 02°00'00" East 528.17 feet to the Northeast corner of an electrical sub-station; Thence along the boundaries of said electrical substation the following bearings and distances: South 88°00'00" West 100.00 feet; South

2605418+1 12345.0007000

MIDCITY IMPROVEMENT DISTRICT
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MIDCITY IMPROVEMENT
DISTRICT PLAN

DISTRICT LEGAL
DESCRIPTION

FIGURE NUMBER
EXHIBIT 4C

SHEET
NUMBER

48°12'00" West 39.05 feet; South 02°00'00" East 100.00 feet; South 52°11'00" East 39.05 feet; and North 88°00'00" East 100.00 feet to the Southeast corner of said electrical substation; said point is further described as being on the East boundary of the Madison Plaza Associates, Ltd., property; Thence along the East boundary of said Madison Plaza Associates, Ltd., property South 02°00'00" East 553.71 feet to the true point of beginning and containing 12.78 acres, more or less.

Less and Except the following: Taco Bell tract, 0.6402 acres, particularly described as all that part of the Northwest Quarter of Section 32 and the Northeast quarter of Section 31, Township 3 South, Range 1 West in the City of Huntsville, Madison County, Alabama, more particularly described as beginning at a point which is located North 01°26'47" West 9.13 feet, North 89°09'50" East 401.29 feet, North 02°00'00" West 1156.44 feet and North 85°53'00" West 310.50 feet from the center of the West boundary of said Section 32; Thence from the point of true beginning, North 85°53'06" West 172.45 feet; Thence North 41°22'14" West 21.40 feet; Thence North 03°08'39" East 110.02 feet; Thence North 48°38'11" East 35.06 feet; Thence South 85°53'00" East 165.00 feet; Thence South 04°07'00" West 150.00 feet to the point of true beginning;

And:

Less and Except the following: Firestone Tire & Rubber Company tract, 0.7359 acres, particularly described as all that part of the Northwest Quarter of Section 32, Township 3 South, Range 1 West in the City of Huntsville, Madison County, Alabama, more particularly described as beginning at a point which is located North 01°26'47" West 9.13 feet, North 89°09'50" East 401.29 feet, North 02°00'00" West 1156.44 feet and North 85°53'00" West 110.52 feet from the center of the West boundary of said Section 32; Thence from the point of true beginning North 85°53'01" West 199.99 feet; Thence North 04°07'00" East 150.0 feet; Thence South 85°53'00" East 180.24 feet; Thence South 50°03'11" East 24.31 feet; Thence South 14°13'56" East 103.04 feet; Thence South 44°36'00" West 49.92 feet to the point of the true beginning; leaving a net aggregate of 11.412 acres, more or less.

TOGETHER WITH:

Land lying and being in the County of Madison, State of Alabama, to-wit:

All that part of the Northwest 1/4 of Section 32 and the Northeast 1/4 of Section 31, Township 3 South, Range 1 West, in the City of Huntsville, Madison County, Alabama, particularly described as beginning at a point which is located North 01°26'47" West, 9.13 feet; North 89°09'50" East, 401.29 feet; North 02°00'00" West, 845.42 feet and North 85°53'01" West, 62.50 feet from the center of the West boundary of said Section 32; thence from the true point of beginning South 54°41'55" West, 94.49 feet; thence North 85°53'01" West, 44.00 feet; thence North 04°06'59" East, 60.00 feet; thence North 85°53'01" West, 145.00 feet; thence South 04°06'59" West, 66.00 feet; thence North 85°53'01" West, 276.44 feet to a point in the East margin of a proposed Monrovia Road Extended Right of Way; thence North 03°05'10" East along the East margin of said Road Right of Way a distance of 295.30 feet; thence South 85°53' East, 70.27 feet; thence North 04°06'59" East, 43.00 feet; thence South 85°53'01" East, 473.47 feet; thence South 04°06'59" West, 272.25 feet to the point of true beginning. Containing 167,654 square feet, or 3.849 acres.

[Legal description continues on following page]

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MIDCITY IMPROVEMENT
DISTRICT
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MIDCITY IMPROVEMENT
DISTRICT PLAN

DISTRICT LEGAL
DESCRIPTION

FIGURE NUMBER
EXHIBIT 4D

SHEET
NUMBER

Legal Description of Additional Land to be included within the District

Lot 1 and Tract 1 according to that Final Plat of MidCity Subdivision, Phase 9, as recorded in the Office of the Judge of Probate of Madison County, Alabama as Document No. 2019-00032453.

Lot 1 according to that Final Plat of MidCity Subdivision, Phase 11, as recorded in the Office of the Judge of Probate of Madison County, Alabama as Document No. 2019-00055877.

Lot 3 according to that Final Plat of MidCity Subdivision, Phase 6, as recorded in the Office of the Judge of Probate of Madison County, Alabama as Document No. 2018-00080088.

360541R-1 12345 0007000

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MIDCITY IMPROVEMENT
DISTRICT
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MIDCITY IMPROVEMENT
DISTRICT PLAN

DISTRICT LEGAL
DESCRIPTION

FIGURE NUMBER
EXHIBIT 4E

SHEET
NUMBER


EXHIBIT B-1

TO THE PETITION TO AMEND THE ARTICLES OF INCORPORATION OF MIDCITY
IMPROVEMENT DISTRICT

Map or Plat Depicting Additional Land to be included within the District

See attached Map or Plat



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 GARVER	5125A Research Drive Huntsville, AL 35805 (256) 534-5512	MIDCITY IMPROVEMENT DISTRICT HUNTSVILLE, AL MIDCITY IMPROVEMENT DISTRICT PLAN	FIGURE NUMBER
			EXHIBIT 5
			SHEET NUMBER
		ILLUSTRATIVE PLAN REV. 07/01/2023	

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EXHIBIT C

TO THE PETITION TO AMEND THE ARTICLES OF
INCORPORATION OF MIDCITY IMPROVEMENT DISTRICT

Second Amendment to Articles of Incorporation for the District

**SECOND AMENDMENT TO ARTICLES OF
INCORPORATION OF
MIDCITY IMPROVEMENT DISTRICT**

The undersigned officer of MidCity Improvement District (herein called the "District.") does hereby make, sign, execute, acknowledge and file this amendment to articles of incorporation of the District in the name and on behalf of the District in accordance with the provisions of statutes codified as Chapter 99A of Title 11 of the Code of Alabama 1975, as heretofore or hereafter amended or supplemented (the "Act"):

Item One

The District is a public corporation organized as an improvement district under the provisions of the Act by Articles of Incorporation filed in the office of the Judge to Probate of Madison County, Alabama, on August 13, 2018, and recorded as Document No. 2018-00052026 (the "Articles of Incorporation").

Item Two

The Articles of Incorporation are hereby amended by to add the following Paragraph (11) and Schedule 2 attached hereto:


(10) The governing body of the City of Huntsville, Alabama adopted its authorizing resolution in accordance with the Act on _____ 2023, a certified copy of which is attached hereto as Schedule 2 and made a part hereof to authorize the expansion of the District and the Second Amendment of the Articles of Incorporation for same.

Item Three

The Articles of Incorporation of the District are hereby amended and provided herein.

[Here ends this text of this document]

WITNESS my signature, under the seal of the District, in the name of and on behalf of the District, this 5th day of October, 2023


Chairman of the Board of Directors of
MidCity Improvement District

[SEAL]

STATE OF ALABAMA)

COUNTY OF MADISON)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Rob Robinson whose name as Chairman of the Board of Directors of MidCity Improvement District, a public corporation under the laws of the State of Alabama, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said public corporation.

GIVEN under my hand and official seal of office, this 5th day of October, 2023.



E. Alston Remy

Notary Public

My Commission Expires: 8/23/2025

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