



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/13/2022

**File ID:** TMP-2153

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement along the side lot line of Lot 2B, Mazza's Corner Subdivision Phase 2, 109 Smith Street SE. (Garvin)

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:** Lot 2B, Mazza's Corner Subdivision Phase 2, 109 Smith Street SE

**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 applicant has represented to the City of Huntsville that **MARY A. GARVIN A/K/A STACIE GARVIN**, 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:

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

**QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other good and valuable considerations paid to **CITY OF HUNTSVILLE, AN ALABAMA MUNICIPAL CORPORATION**, Grantor, in hand paid by **MARY A. GARVIN A/K/A STACIE GARVIN**, Grantee, the receipt of which is hereby acknowledged, the said Grantor hereby remises, releases, quitclaims and conveys unto the said Grantee, all of said Grantor's right, title, interest and claim, in and to the following described real estate, situated in Madison County, Alabama, to-wit:

Vacate the utility and drainage easement as stated on Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs and assigns of said Grantees forever.

IN TESTIMONY WHEREOF, the Grantor has caused this instrument to be executed on the 13th day of October, 2022.

**CITY OF HUNTSVILLE, A MUNICIPAL  
CORPORATION IN THE STATE OF ALABAMA**

**By:** \_\_\_\_\_  
**TOMMY BATTLE**  
**AS ITS MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KENNETH BENION**  
**AS CITY CLERK-TREASURER**

STATE OF ALABAMA     )  
COUNTY Of MADISON    )

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that before me personally appeared **TOMMY BATTLE AND KENNETH BENION**, whose names as **MAYOR AND CLERK-TREASURER, RESPECTIVELY, OF THE CITY OF HUNTSVILLE, ALABAMA, A MUNICIPAL CORPORATION**, are signed to the foregoing Quitclaim Deed, 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 for and as the act of said Municipal corporation on the date the same bears date.

Given under my hand and seal this the 13th day of October, 2022

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**The Grantor does hereby attest, to the best of Grantor's knowledge and belief that the information contained in this document, including the purchase price which can be verified by tax assessment, is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in Code of Alabama (1975) 40-22-1 (h).**

Grantor: City of Huntsville

Grantee's address:  
1407 Monterrey Dr, Huntsville, AL 35801

Property Address:  
109 Smith St, Huntsville, AL 35801

Value \$100  
Date of transfer: \_\_\_\_\_, 2022.

This Instrument Prepared By:  
A. Mac Martinson, Esq.  
Martinson & Beason, P.C.  
Attorneys at Law  
115 North Side Square  
Huntsville, Alabama 35801  
(256) 533-1667  
File: 011305-01

STATE OF ALABAMA)  
COUNTY OF MADISON)

Exhibit "A"

#### Easement Vacation

All that part of Section 36, Township 3 South, Range 1 West of the Huntsville Meridian, City of Huntsville, Madison County, Alabama more particularly described as follows:

**Commencing** at the most northern corner of Lot 2B of the plat entitled "Mazza's Corner, Phase 2" as recorded in Plat Book 2022 Page 34 in the Office of the Probate Judge of Madison County, Alabama, being on the westerly right-of-way line of Smith Street; thence S55°59'09"W, along the northerly boundary of said Lot 2B a distance of 10.00 feet to the **point of beginning** of said easement vacation; thence S33°55'46"E, a distance of 5.00 feet; thence S55°59'09"W, a distance of 85.68 feet; thence N34°03'52"W, a distance of 5.00 feet to the northerly boundary of said Lot 2B; thence N55°59'09"E along the northerly boundary of said Lot 2B, a distance of 85.68 feet to the **point of beginning** and end of said vacation.

Containing 428 square feet, more or less.

**Ordinance No. 22-**\_\_\_\_\_ (Cont.)

**ADOPTED** this the 13th day of October, 2022.

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

**APPROVED** this the 13th day of October, 2022.

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Mayor of the City of  
Huntsville, Alabama