



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 1/23/2025

File ID: TMP-5141

Department: Urban Development

Subject:

Type of Action: Approval/Action

Resolution authorizing the acceptance of a Pedestrian Sidewalk Easement Deed from Della's Delights, LLC, to the City of Huntsville.

Resolution 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:

RESOLUTION NO. 25-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to accept that certain Pedestrian Sidewalk Easement, by and between, Della's Delights, LLC, an Alabama limited liability company with respect to its Series 9023 Memorial Parkway, and Della's Delights, LLC, an Alabama limited liability company, with respect to its Series 99 Weatherly Road, collectively referred to as Grantor, and the City of Huntsville, an Alabama municipal corporation, as Grantee, for conveyance by Grantor to the City of Huntsville of that certain twenty foot (20') sidewalk easement, located on the north side of Weatherly Road running between Memorial Parkway Service Road and Blanda Drive SE and lying in Huntsville, Madison County, Alabama, being more particularly described in the Pedestrian Sidewalk Easement attached hereto and incorporated herein (the "Pedestrian Sidewalk Easement").

BE IT FURTHER RESOLVED THAT the City of Huntsville, hereby accepts the conveyance of the Pedestrian Sidewalk Easement from Grantor and the Mayor is hereby directed and authorized to have this Resolution and said Pedestrian Sidewalk Easement recorded in the Probate Records of Madison County, an executed copy of which shall be kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 23rd day of January, 2025.

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

APPROVED this the 23rd day of January, 2025.

Mayor of the City of Huntsville, Alabama

THIS INSTRUMENT PREPARED BY:

PLEASE RECORD AND RETURN TO:

Katherine Amos Beasley
Lanier Ford Shaver & Payne P.C.
2101 W. Clinton Avenue, Suite 102
Huntsville, AL 35805
(256) 535-1100

STATE OF ALABAMA

COUNTY OF MADISON

PEDESTRIAN SIDEWALK EASEMENT

THIS INDENTURE is made and entered into on this the 13th day of January, 2025, by and between **DELLA'S DELIGHTS, LLC**, an Alabama limited liability company with respect to its Series 9023 Memorial Parkway, and **DELLA'S DELIGHTS, LLC**, an Alabama limited liability company, with respect to its Series 99 Weatherly Road, (collectively, as the "Grantor"), and the **CITY OF HUNTSVILLE**, an Alabama municipal corporation, (the "Grantee").

WITNESSETH: That the Grantor, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor has given, granted, bargained, sold and conveyed and does by these presents grant, bargain, sell and convey unto Grantee, its successors and assigns, a perpetual, pedestrian sidewalk easement for the purpose of using the same for the establishment, construction, and maintenance of a sidewalk for use by the public under and along the following described tract or parcel of land in the City of Huntsville, County of Madison, State of Alabama, the easement so granted being described as follows, to-wit:

SEE EXHIBITS "A-1" AND "B-1" ATTACHED HERETO AND INCORPORATED HEREIN. A drawing of each Tract immediately follows each corresponding legal description, as attached hereto and made a part hereof as Exhibits "A-2" and "B-2."

Source of Deed for A-1: Book 2024, Page 13206

Source of Deed for B-1: Book 2024, Page 13203

SUBJECT TO: (i) any easements, restrictions, rights-of-way, and all other matters of record; (ii) ad valorem taxes for the 2025 tax, not yet due and payable; and (iii) matters that would be shown by a current and accurate survey of the property encumbered by the easements granted herein.

This pedestrian sidewalk easement is granted to the Grantee along with the right and the privilege to maintain, cut, trim, remove, and/or replace any vegetation, trees, objects, or any

objectionable matter within the easement area; together with a right of entry and ingress and egress to and from, over, across and upon the easement area for the establishment, construction, and maintenance of any improvements upon the easement area, which are not inconsistent with the easement herein conveyed, including but not limited to, a sidewalk for public use.

TO HAVE AND TO HOLD the above-described rights, privileges, and easements unto the City of Huntsville, an Alabama municipal corporation, and to its successors and assigns, together with the right of entry and re-entry from time to time as occasion may require, for the purpose of exercising the said rights, privileges and easements, hereinabove described. Grantee, at its sole cost and expense, shall construct and maintain the sidewalk and related improvements within the easement area and shall maintain the public sidewalk constructed therein in good order and repair in accordance with all applicable governmental guidelines and requirements. Grantor reserves for itself, its tenants, successors and assigns, the right to continue to use the easement area for purposes not inconsistent with the rights granted to Grantee herein. Upon completion of construction, the Grantee, at its sole cost, shall repair any damage caused by the construction activities of Grantee and shall restore the Grantor's property to the same or similar condition as existed prior to the commencement of the sidewalk installation by Grantee.

AND THE Grantor does hereby covenant with the Grantee, that it is lawfully seized in fee of said premises; that it has a good right to sell and convey the same; that said premises are free from encumbrances, except for ad valorem taxes due and payable, and it will forever warrant and defend the title to the said premises against the lawful claims and demands of all persons whomsoever, except as aforesaid.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be duly executed by its authorized representative on the day and year first above written.

[Signatures appear on the following pages.]

GRANTOR:

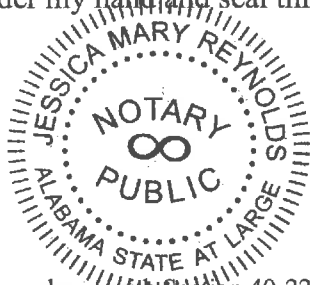
DELLA'S DELIGHTS, LLC, an Alabama limited liability company, with respect to its Series 99 Weatherly Road

By: Della Ann Park (SEAL)
Name: Della Ann Park
Title: Sole Member

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that, Della Ann Park, whose name as Sole Member of Della's Delights, LLC, an Alabama limited liability company, with respect to its Series 99 Weatherly Road, 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 the instrument, she, as such Sole Member, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this the 13th of January, 2025.



Jessica Mary Reynolds
Notary Public
My Commission Expires: 11/20/28

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: 4012 Medford Drive, SE, Huntsville, AL 35802
Grantee's Address: P.O. Box 308, Huntsville, AL 35804
Property Address: +/- 3360 sq ft easement located at 9023 Memorial Parkway SW, Huntsville, AL
(Portion of PPIN: 65946) – Easement No. 1
+/- 1511 sq ft easement located at 99 Weatherly Road SE, Huntsville, AL
(Portion of PPIN: 66022) – Easement No. 2

THE PREPARER OF THIS DOCUMENT HAS NOT BEEN REQUESTED TO RENDER AN OPINION, AND NO OPINION IS HEREBY RENDERED, WITH RESPECT TO THE STATE OF TITLE TO THE FOREGOING REAL PROPERTY OR THE ACCURACY OF THE LEGAL DESCRIPTIONS CONTAINED HEREIN.

EXHIBIT "A-1"

Parcel: 18-09-31-1-002-073.000

PPIN: 65946

Easement No. 1

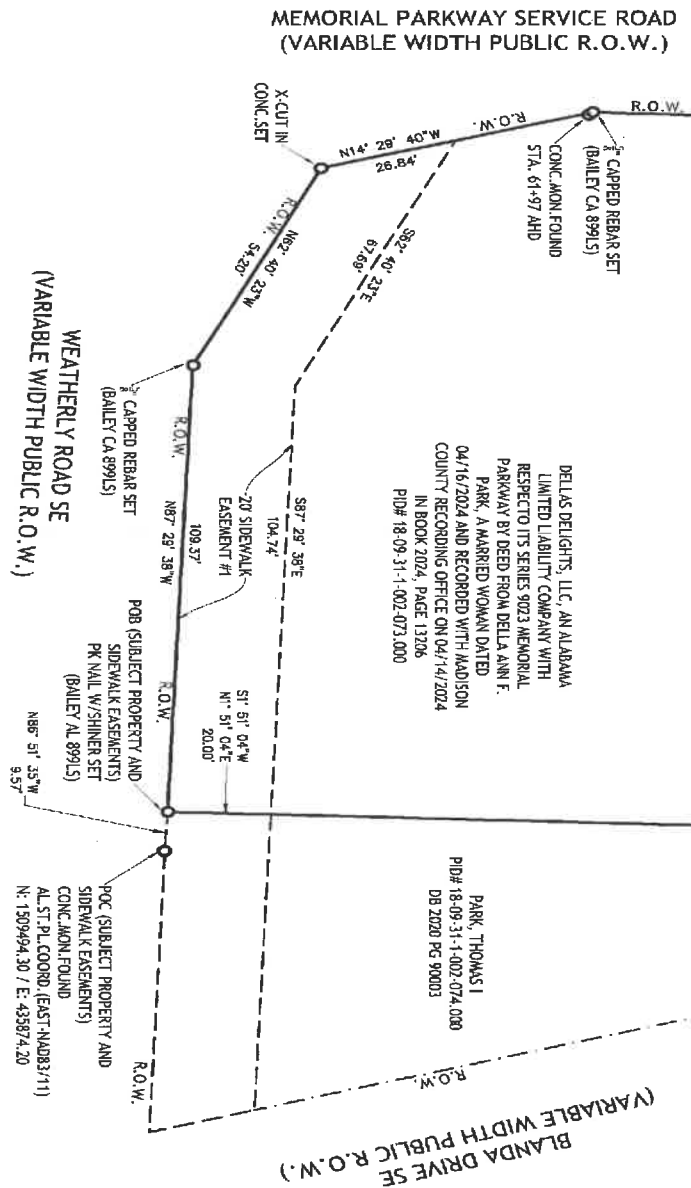
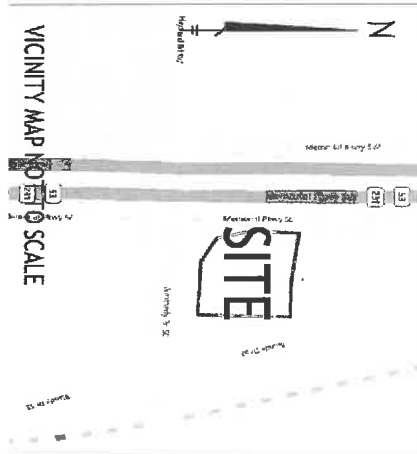
An easement situated in the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 4 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, being more particularly described as follows:

Commence at a concrete monument situated along the North right of way line of Weatherly Road SE and having Alabama State Plane Coordinates (East-NAD83) N: 1509494.30 / E: 435874.20; thence along said right of way line N 86° 51' 35" W a distance of 9.57' to a PK Nail w/shiner (BAILEY AL 899LS) and the POINT OF BEGINNING; thence from the POINT OF BEGINNING and continuing along said northerly right-of-way N 87° 29' 38" W for a distance of 109.37' to a 5/8" capped rebar (Bailey CA 899LS); thence continue along said northerly right-of-way N 62° 40' 23" W for a distance of 54.20' to a X-cut in concrete at the intersection with the easterly right-of-way of Memorial Parkway; thence along said easterly right-of-way N 14° 29' 40" W for a distance of 26.84' ; thence leaving said easterly right-of-way, S 62° 40' 23" E for a distance of 67.69'; thence S 87° 29' 38" E for a distance of 104.74'; thence S 1° 51' 04" W for a distance of 20.00' to the POINT OF BEGINNING. Said easement containing 3360 sq ft +/-.

EXHIBIT "A-2"

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Nov 25, 2024 - 11:24am jason



DELLAS DELIGHTS, LLC, AN ALABAMA LIMITED LIABILITY COMPANY WITH RESPECT TO ITS SERIES 9023 MEMORIAL PARKWAY BY DEED FROM DELLA ANN F. PARK, A MARRIED WOMAN DATED 04/16/2024 AND RECORDED WITH MADISON COUNTY RECORDING OFFICE ON 04/14/2024 IN BOOK 2024, PAGE 13206 PID# 18-09-31-1-002-073.000

PARK THOMAS I
PID# 18-09-31-1-002-074.000
DB 2020 PG 90003

BLANDA DRIVE SE
(VARIABLE WIDTH PUBLIC R.O.W.)



BAILEY LAND GROUP
LAND SURVEYING & ENGINEERING

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Alabaster, AL 35007
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PROJECT		SIDEWALK EASEMENTS	
CLIENT		9023 MEMORIAL PARKWAY S, HUNTSVILLE, AL 35801	
DRAWN BY		TWO CAPITAL PARTNERS	
CHECKED BY		3060 PEACHTREE ROAD NW, SUITE 560, ATLANTA, GA 30305	
BLG PROJECT NO.		DATE	
24.056		11/21/2024	
CLIENT/ARCHITECT PROJECT NO.		SHEET NO. / TITLE	
		SIDEWALK EASEMENT #1	

EXHIBIT "B-1"

Parcel: 18-09-31-1-002-074.000

PPIN: 66022

Easement No. 2

An easement situated in the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 4 South, Range 1 East of the Huntsville Meridian, Madison County, Alabama, being more particularly described as follows:

Commence at a concrete monument situated along the North right of way line of Weatherly Road SE and having Alabama State Plane Coordinates (East-NAD83) N: 1509494.30 / E: 435874.20; thence along said right of way line N 86° 51' 35" W a distance of 9.57' to a PK Nail w/shiner (BAILEY AL 899LS) and the POINT OF BEGINNING; thence from the POINT OF BEGINNING and along said right of way line N 1° 51' 04" E for a distance of 20.00'; thence S 87° 29' 38" E for a distance of 72.52' to the westerly right-of-way of Blanda Dr SE; thence S 14° 50' 59" E along said westerly right-of-way for a distance of 20.95' to the intersection with the northerly right-of-way of Weatherly Rd SE; thence along said northerly right-of-way N 87° 29' 38" W for a distance of 78.55' to the POINT OF BEGINNING. Said easement containing 1511 sq ft +/-.

EXHIBIT "B-2"

