



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 1/12/2023

**File ID:** TMP-2463

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Sewer Easement, along 222 Washington Street, Lewter Hardware property.

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:** Old Lewter Hardware property

**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 applicants have represented to the City of Huntsville that **Malcolm Elliott Lewter, Jincy Louise Lewter, and Doran Lewter Stamps**, are the owners of the property across which said easement; 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 utility and drainage 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 the undersigned **CITY OF HUNTSVILLE, an Alabama Municipal Corporation**, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) paid by Malcolm Elliott Lewter, Jincy Louise Lewter, and Doran Lewter Stamps , hereinafter referred to as Grantees, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby demise, release, quitclaim and convey unto the Grantees, all of the Grantor's right, title, interest, and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part of Blocks 304 and 324 according to the Quigley Map of the City of Huntsville, Madison County, Alabama, and part of the Meridian Street right of way lying between said blocks particularly described as follows:

Commencing at the Southwest corner of that certain property described in Deed Book 517, Page 653, Probate Records, Madison County, Alabama; Said Southwest corner being located North 33 degrees 27 minutes West 409.5 feet from the intersection of the North margin of Holmes Avenue with the East margin of Washington Street; Thence along the East margin of said Washington Street, North 33 degrees 27 minutes West 4.11 feet to the Point of Beginning;

Thence from the Point of Beginning and continuing along the East margin of said Washington Street, North 33 degrees 27 minutes West 40.38 feet; Thence leaving said street, North 08 degrees 31 minutes East 136.49 feet; Thence South 32 degrees 57 minutes East 40.78 feet; Thence South 08 degrees 31 minutes West 135.96 feet to the Point of Beginning.

**TO HAVE AND TO HOLD** unto the said grantees, their successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor, and attested by its Clerk-Treasurer, this the 12th day of January, 2023.

CITY OF HUNTSVILLE, ALABAMA  
A Municipal Corporation

BY: \_\_\_\_\_  
TOMMY BATTLE - MAYOR

ATTEST:

BY: \_\_\_\_\_  
Kenneth Binion / Clerk-Treasurer

STATE OF ALABAMA  
COUNTY OF MADISON

I, the undersigned, a notary public in and for said County, in said State hereby certify that TOMMY BATTLE and KENNETH BINION, whose names as MAYOR and CITY CLERK-TREASURER, respectively of the City of Huntsville, Alabama, a municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day same bears date.

GIVEN under my hand and official seal this the 12th day of January, 2023.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

This Instrument Prepared By:  
Donald L. Christian, Jr.  
Donald Christian Law, LLC  
200 Russell Street  
Huntsville, AL. 35801  
256-508-0143

**Ordinance No. 23-**\_\_\_\_\_ **(Cont.)**

**ADOPTED** this the 12th day of January, 2023.

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

**APPROVED** this the 12th day of January, 2023.

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Mayor of the City of  
Huntsville, Alabama