



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 11/2/2023

**File ID:** TMP-3545

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**Department:** Legal

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 24, Block 4, East Highland Subdivision, 1721 and 1723 Ward Avenue. (Cutter)

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: (list below)**

**Address:** Lot 24, Block 4, East Highland Subdivision, 1721 and 1723 Ward Avenue

**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 utility and drainage easements; that the applicant has represented to the City of Huntsville that **Cutter Enterprises, LLC**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements 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) in hand paid by **CUTTER ENTERPRISES, LLC, AN ALABAMA LIMITED LIABILITY COMPANY**, hereinafter referred to as Grantee, and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part Lot 1 and Lot 2, according to the record plat of A Resubdivision of Lot 24, Block 4 East Highland, M.B. Neece's Subdivision as recorded in Plat Book 1, Page 135 and Other Lands, recorded in Document Number 20161021000602970 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as commencing at the Southeast corner of said Lot 1; Thence North 01 degree 41 minutes 38 seconds East 10.00 feet to the Point of Beginning; Thence from the Point of Beginning North 88 degrees 16 minutes 57 seconds West 5.00 feet; Thence North 01 degree 41 minutes 38 seconds East 126.99 feet; Thence South 88 degrees 25 minutes 00 seconds East 5.00 feet; Thence South 88 degrees 29 minutes 26 seconds East 5.00 feet; Thence South 01 degree 41 minutes 38 seconds West 127.02 feet; Thence North 88 degrees 16 minutes 57 seconds West 5.00 feet to the Point of Beginning.

ALSO:

All that part Lot 1 and Lot 2, according to the record plat of A Resubdivision of Lot 24, Block 4 East Highland, M.B. Neece's Subdivision as recorded in Plat Book 1, Page 135 and Other Lands, recorded in Document Number 20161021000602970 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as commencing at the Southeast corner of said Lot 2; Thence North 01 degree 41 minutes 30 seconds East 10.00 feet to the Point of Beginning; Thence from the Point of Beginning North 88 degrees 16 minutes 57 seconds West 5.00 feet; Thence North 01 degree 41 minutes 30 seconds East 127.13 feet; Thence South 88 degrees 29 minutes 26 seconds East 5.00 feet; Thence South 01 degree 41 minutes 30 seconds West 127.15 feet to the Point of Beginning.

**TO HAVE AND TO HOLD** unto the said grantee, its 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 City Clerk, this the 2nd day of November 2023.

**CITY OF HUNTSVILLE, ALABAMA**  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Shaundrika Edwards  
City Clerk

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 S. Edwards, whose names as Mayor and City Clerk respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 the same bears day.

Given under my hand and official seal this the 2nd day of November 2023.

\_\_\_\_\_  
Notary Public

THIS INSTRUMENT PREPARED BY:  
James L. McElroy, Jr. – PLS  
McElroy Land Surveying Co.

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

**ADOPTED** this the 2nd day of November, 2023.

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

**APPROVED** this the 2nd day of November, 2023.

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Mayor of the City of  
Huntsville, Alabama