



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/11/2024

File ID: TMP-4390

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement between Lots 1 and 2, Railway Estates, 3733 & 3735 Railway Avenue SE.

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: 3733 & 3735 Railway Avenue SE

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

Additional Comments:

ORDINANCE NO. 24-_____

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 **Kyle Perry Roden and wife, Katie Elizabeth Roden**, are the owners 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 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 **Kyle Perry Roden and wife, Katie Elizabeth Roden**, 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 of Lot 1 according to the record plat of Railway Estates, a resubdivision of Lots 1 and 2 of a resubdivision of Lot 6 Monte Sano Court Phase II as recorded in Plat Book 2021, Page 089677 and a resubdivision of Lot 5 Monte Sano Court Phase II as recorded in Plat Book 35, Page 76 being recorded in Plat Book 2024, Page 92 in the Office of the Judge of Probate, Madison County, Alabama. Particularly described as commencing at the Southwest corner of said Lot 1; Thence along the East right of way margin of Railway Avenue, around a curve to the right, having a radius of 475.00 feet, a chord bearing and distance of North 06 degrees 08 minutes 12 seconds East 40.34 feet; Thence North 08 degrees 31 minutes 51 seconds East 15.28 feet; Thence leaving said road, South 81 degrees 28 minutes 05 seconds East 10.00 feet to the Point of Beginning;

Thence from the Point of Beginning North 08 degrees 31 minutes 57 seconds East 10.00 feet; Thence South 81 degrees 28 minutes 05 seconds East 123.80 feet to the West margin of a 10 foot utility and drainage easement; Thence along said margin, South 02 degrees 14 minutes 42 seconds West 10.06 feet; Thence North 81 degrees 28 minutes 05 seconds West 124.64 feet to the Point of Beginning and containing 1,242 square feet, more or less.

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 11 day of July 2024.

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 11th day of July 2024.

Notary Public

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

Ordinance No. 24-_____ (Cont.)

ADOPTED this the 11th day of July, 2024.

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

APPROVED this the 11th day of July, 2024.

Mayor of the City of
Huntsville, Alabama