



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 12/19/2024

File ID: TMP-4963

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a 20-foot Utility and Drainage Easement, Lot 1E, Perimeter Corporation Park Resurvey No. 2. (WaterWalk).

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 1E, Perimeter Corporation Park Resurvey No. 2

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 **WaterWalk Huntsville, LLC**, is the owner of the property across which said easement lies; that said easement, or the portions 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:

This Instrument prepared by:

Jeremy L. Graber
Foulston Siefkin LLP
822 S. Kansas Ave., Ste. 200
Topeka, KS 66612

The following information is offered in lieu of submitting an RT-1 Real Estate Sales Validation Form pursuant to Section 40-22-1 of the Code of Alabama (1975):

RECORDING USE ONLY

Grantor's Name/Mailing

Address:

City of Huntsville, Alabama
308 Fountain Circle
P.O. Box 308
Huntsville, Alabama 35801

Grantee's Name/Mailing

Address:

WaterWalk Huntsville, LLC
2121 N. Webb Road
Wichita, KS 67206

Property address: 1550

Perimeter Parkway NW

Huntsville, AL 35806

Purchase price: n/a

The purchase price or actual value claimed in this instrument can be verified in the following documentary evidence:

☐ Bill of Sale ☐ Sales Contract ☐ Closing Statement ☐ Appraisal ☒ Other

QUITCLAIM DEED FOR VACATION OF EASEMENT

WHEREAS, the **City of Huntsville, Alabama** (the "Grantor") is the holder of that certain utility and drainage easement as shown in as shown on the final plat of Perimeter Corporate Park Resurvey No. 2, as recorded in Plat Book 36, Page 19, recorded in the Office of the Judge of Probate of Madison County, Alabama, portions of which are more particularly described on Exhibit A and graphically depicted on Exhibit B attached hereto (collectively, the "Easement Property"); and

WHEREAS, the Grantor has agreed to vacate the Easement Property and to convey all of its right, title and interest in and to the Easement Property to **WaterWalk Huntsville, LLC**, a Delaware limited liability company (the "Grantee").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, does hereby remise, release, and forever quitclaim to the Grantee, all its right, title, interest and claim in and to the Easement Property.

Grantor attests, to the best of its knowledge and belief, that the information submitted in the legend at the beginning of this Deed in lieu of the RT-1 Real Estate Sales Validation Form is true and accurate, and Grantor understands that any false statements contained in such information may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1(h).

TO HAVE AND TO HOLD the Easement Property unto the Grantee forever.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on or as of the _____ day of _____, 2024.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Tommy Battle, Mayor

Attest: _____
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 Shaundrika 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 _____ day of _____, 2024.

Notary Public

[NOTARIAL SEAL]

My commission expires: _____

EXHIBIT A

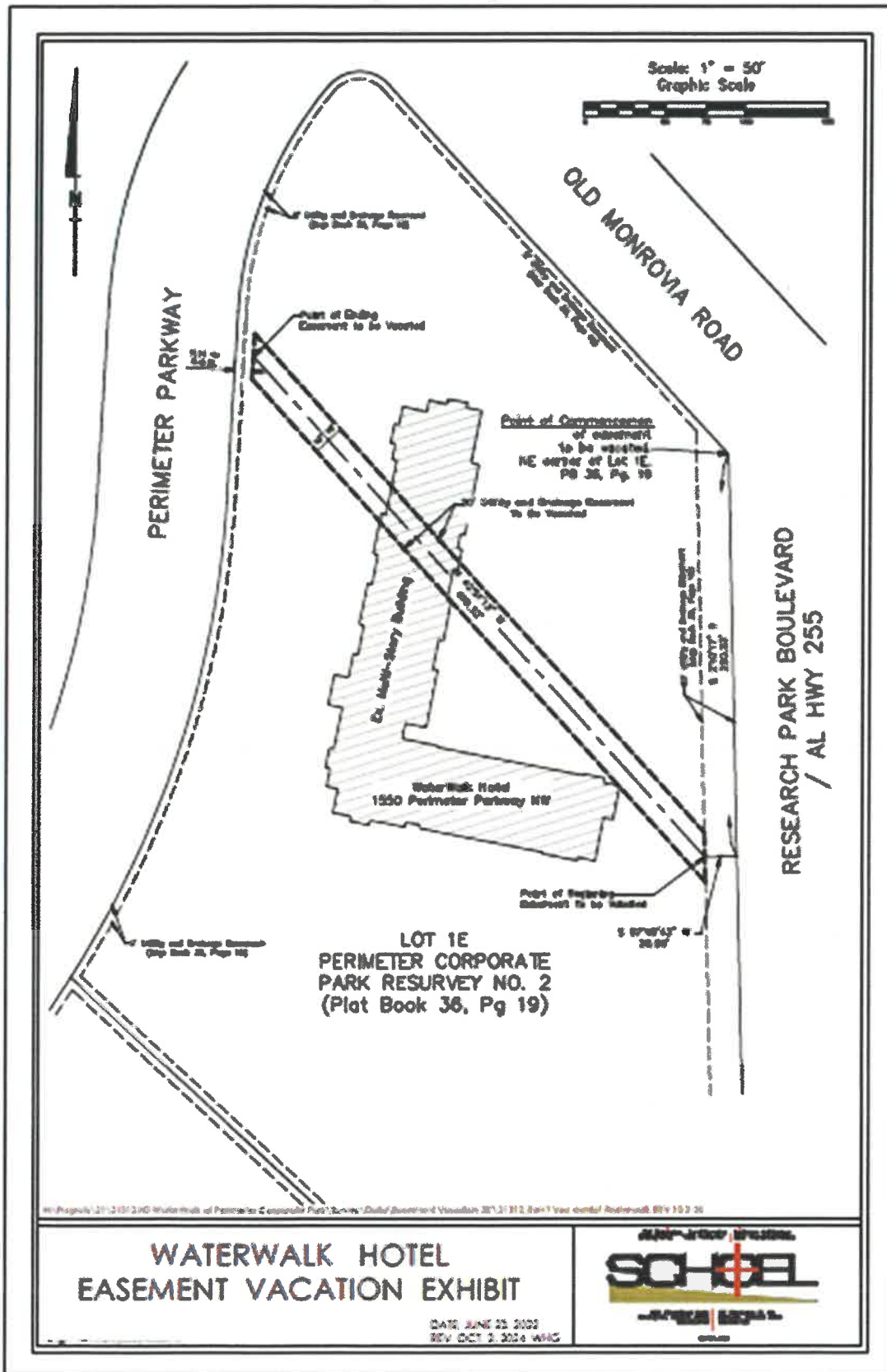
Property Description

STATE OF ALABAMA
COUNTY OF MADISON

A 20-foot-wide Utility and Drainage Easement being a portion of Lot 1E, Perimeter Corporate Park Resurvey No. 2, as recorded in Map Book 36, Page 19 in the Probate Records of Madison County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of Lot 1E, Perimeter Corporate Park Resurvey No. 2, as recorded in Map Book 36, Page 19 in the Probate Records of Madison County, Alabama, said point being the Point of Intersection of the Southwesterly right-of-way line of Old Monrovia Road and the Westerly right-of-way line of Rideout Road (Research Park Boulevard); thence South $2^{\circ}10'17''$ E along the Westerly right-of-way of Rideout Road (Research Park Boulevard) a distance of 250.23 feet to a point; thence South $87^{\circ}49'43''$ West a distance of 20.00 feet to a point lying on the Westerly line of a 20 foot wide Utility and Drainage Easement, said point being the Point of Beginning of a 20 foot wide Utility and Drainage Easement lying 10.00 feet to each side of, abutting and parallel to the following described centerline: thence North $42^{\circ}51'13''$ West a distance of 419.32 feet to a point which lies 11.14 feet east of the west boundary of said Lot 1E, said point being the Point of Ending of this easement.

Graphical Depiction



Ordinance No. 24-_____ (Cont.)

ADOPTED this the 19th day of December, 2024.

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

APPROVED this the 19th day of December, 2024.

Mayor of the City of
Huntsville, Alabama