



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/8/2024

File ID: TMP-4469

Department: Legal

Subject:

Type of Action: Introduction

Ordinance authorizing the Mayor to execute a Utility Easement Deed to Huntsville Utilities.

Ordinance No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

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

Additional Comments: N/A

ORDINANCE NO. 20-_____

WHEREAS, the City of Huntsville d/b/a/ Huntsville Utilities (hereinafter “Huntsville Utilities”) provides electric, gas and water utility service within the City of Huntsville; and

WHEREAS, Huntsville Utilities has the need for an easement on real property owned by the City of Huntsville for the installation of equipment to provide utility service to its customers in Huntsville and Madison County; and

WHEREAS, it is in the public interest for the City of Huntsville to grant said easement.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville that the Mayor be, and is hereby authorized on behalf of the City of Huntsville, to execute and deliver a Utility Easement Deed, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
COUNTY OF MADISON)

UTILITY EASEMENT DEED

THIS INDENTURE made and entered into on this the ____ day of _____, 2024, by **CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation within the State of Alabama, hereinafter referred to as “City of Huntsville” and **CITY OF HUNTSVILLE**, a municipal corporation within the state of Alabama, d/b/a **HUNTSVILLE UTILITIES** hereinafter referred to as “Huntsville Utilities.”

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of One and No/100 (\$1.00) Dollar, and other good and valuable consideration accruing to Huntsville Utilities, the receipt and sufficiency of which is hereby acknowledged, City of Huntsville has bargained and sold and by these presents does hereby give, grant, bargain, and sell unto Huntsville Utilities, its successors and assigns, a permanent exclusive utility easement, for the purpose of installing, operating, repairing and maintaining **electric facilities**, gas mains and pipes, water mains and pipes, and appurtenances, with the right to clear and maintain said utility easement and to use equipment for the purpose of constructing, operating, repairing, and maintaining said easement over, through, under and upon the following described property lying and situated in Madison County, Alabama, to-wit:

Beginning at an iron pin set marking the intersection of the south right-of-way of Drake Avenue and the southwest line of an existing TVA easement, said point being further described as lying North 53 degrees 41 minutes 46 seconds West 1358.48 feet from the southwest corner of Lot 1, Drake Plaza as recorded in Plat Book 48, Page 29; thence run South 40 degrees 18 minutes 32 seconds East 70.52 feet along the southwest line of said TVA easement to an iron pin set; thence run South 49 degrees 41 minutes 28 seconds West 20.00 feet to an iron pin set; thence run North 40 degrees 18 minutes 32 seconds West 81.25 feet to an iron pin set in the south right-of-way of said Drake Avenue; thence run 22.70 feet along the south right-of-way of said Drake Avenue and being a curve to the right, having a radius of 413.89 feet, a delta of 03 degrees 08 minutes 32 seconds, and a chord bearing and distance of North 77 degrees 54 minutes 20 seconds East 22.70 feet back to the **Point of Beginning**.

Said easement containing 0.035 acres (1,520 sq. ft.) more or less.

Together with the rights, privileges, and easements to cut, trim, and remove any bush, trees or other obstructions upon the hereinabove described property, together with the right to excavate for the installation and repair of the said utilities and the right of ingress and egress to and from, over and

above the hereinabove described property, for the purpose of keeping the same clear of all trees, timber, bush, undergrowth, or any other obstruction.

TO HAVE AND TO HOLD the above-described rights, privileges, and easement unto Huntsville Utilities, 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.

IN WITNESS WHEREOF, City of Huntsville has caused these presents to be executed on this the day and date first above written.

**CITY OF HUNTSVILLE,
ALABAMA**

By:_____

It's:

STATE OF _____)
COUNTY OF _____)

I, the undersigned, Notary Public, in and for said County in said State, hereby certify that _____, that whose name as _____ of **City of Huntsville, Alabama**, a municipal corporation of the State of Alabama, is signed to the foregoing easement, and who is known to me, acknowledged before me this day that, being informed of the contents of the easement, he, executed the same voluntarily on the day of the same bears date as and for the act of said **City of Huntsville, Alabama**.

Given under my hand and seal this _____ day of _____, 2024.

Notary Public
My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:

WARNE S. HEATH
GENERAL COUNSEL
HUNTSVILLE UTILITIES
112 SPRAGINS STREET NW
HUNTSVILLE, ALABAMA 35801
(256) 535-1203

Grantor _____
Address _____

Prop Address-----

Grantee _____
Address _____

Date Sale-----

Purchase Price _____
Verification _____

ADOPTED this this ____ day of _____, 2024.

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

APPROVED this the ____ day of _____, 2019.

Mayor of the City of
Huntsville, Alabama