



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 6/8/2023

File ID: TMP-2992

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, 1623 Monte Sano Boulevard. (Weber)

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: 1623 Monte Sano Boulevard

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 applicant has represented to the City of Huntsville that **Susan F. Weber, a married woman**, is the owner 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)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **SUSAN F. WEBER, a married woman**, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the said Grantee, 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:

See attached Exhibit "A"

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the 8th day of June, 2023.

ATTEST:

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

By: _____
Shaundrika Edwards, Interim City Clerk

By: _____
Tommy Battle, Mayor

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 Interim City Clerk, 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 voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 8th day of June, 2023.

Notary Public
My Commission Expires: _____

This instrument was prepared by:
Andrea Gullion
HARRISON, GAMMONS & RAWLINSON, P.C.
2430 L&N Drive
Huntsville, AL 35801
1-256-533-7711

Exhibit "A"

LEGAL DESCRIPTION
MADISON COUNTY, ALABAMA

4.5' U & D EASEMENT VACATION
1623 MONTE SANO BLVD.

ALL THAT PART OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 1 EAST, OF THE HUNTSVILLE MERIDIAN, AND ALL THAT PART OF LOT 2, OF A RESUBDIVISION OF LOTS 28 THRU 32, BLOCK C, FIRST DIVISION OF LOTS, MONTE SANO CONSTRUCTION COMPANY, PLAT BOOK 1 PAGE 33, RECORDED IN DOC#2007\72260 IN THE OFFICE OF JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS SOUTH 53 DEGREES 49 MINUTES 20 SECONDS EAST 10.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT

THENCE FROM THE TRUE POINT OF BEGINNING AND ALONG SAID LOT LINE SOUTH 53 DEGREES 49 MINUTES 20 SECONDS EAST 204.39 FEET

THENCE SOUTH 05 DEGREES 06 MINUTES 27 SECONDS EAST 5.99 FEET TO A POINT

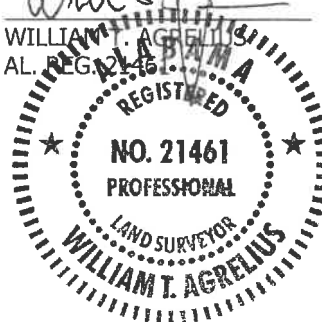
THENCE NORTH 53 DEGREES 49 MINUTES 20 SECONDS WEST 208.64 FEET TO A POINT

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4257.28 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 39 DEGREES 54 MINUTES 16 SECONDS EAST 4.51 FEET TO THE POINT OF BEGINNING

22-6739 4.5' EASEMENT VACATION

BIG SPRING SURVEYORS

WILLIAM T. AGRELIUS
AL. REG. NO. 21461



LEGAL DESCRIPTION
MADISON COUNTY, ALABAMA

4.5' U & D EASEMENT VACATION
1623 MONTE SANO BLVD.

ALL THAT PART OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 1 EAST, OF THE HUNTSVILLE MERIDIAN, AND ALL THAT PART OF LOT 2, OF A RESUBDIVISION OF LOTS 28 THRU 32, BLOCK C, FIRST DIVISION OF LOTS, MONTE SANO CONSTRUCTION COMPANY, PLAT BOOK 1 PAGE 33, RECORDED IN DOC#2007\72260 IN THE OFFICE OF JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT THAT IS SOUTH 53 DEGREES 49 MINUTES 20 SECONDS EAST 10.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT

THENCE FROM THE TRUE POINT OF BEGINNING AND ALONG SAID LOT LINE SOUTH 53 DEGREES 49 MINUTES 20 SECONDS EAST 204.39 FEET

THENCE SOUTH 05 DEGREES 06 MINUTES 27 SECONDS EAST 5.99 FEET TO A POINT

THENCE NORTH 53 DEGREES 49 MINUTES 20 SECONDS WEST 208.64 FEET TO A POINT

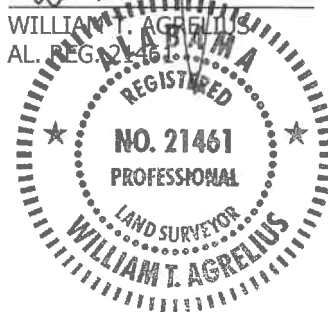
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4257.28 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 39 DEGREES 54 MINUTES 16 SECONDS EAST 4.51 FEET TO THE POINT OF BEGINNING

22-6739 4.5' EASEMENT VACATION

BIG SPRING SURVEYORS

WILLIAM T. AGRELIUS

AL. REG. 21461



Ordinance No. 23-_____ **(Cont.)**

ADOPTED this the 8th day of June, 2023.

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

APPROVED this the 8th day of June, 2023.

Mayor of the City of
Huntsville, Alabama