



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/25/2025

File ID: TMP-6002

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a 60-foot Utility and Drainage Easement, Lot 23, Creekstone Subdivision, Phase II, 5006 Willow Creek Drive. (Mayberry)

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 23, Creekstone Subdivision, Phase II, 5006 Willow Creek Drive

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

Additional Comments:

ORDINANCE NO. 25-_____

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 portion of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Arvin Mayberry II and Catherine Mayberry**, 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

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That, in consideration of TEN AND 00/100 Dollars (\$10.00) and other good and valuable consideration to the Grantor in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, **CITY OF HUNTSVILLE, an Alabama municipal corporation**, (herein referred to as "Grantor"), does hereby remise, release, quitclaim and convey unto **ARVIN MAYBERRY II and CATHERINE MAYBERRY** (herein referred to as "Grantees") the following described real estate situated in Madison County, Alabama, to-wit:

All that part of Lot 23 of Creekstone Subdivision Phase II as recorded in Plat Book 45 Page 73 in the Office of the Judge of Probate, Madison County, Alabama.

Beginning at the Southwest corner of the aforementioned Lot 23;

Thence North 00°30'41" East a distance of 30.00 feet to a point;

Thence South 89°29'31" East a distance of 5.00 feet to a point, said point being the True Point of Beginning for the herein described easement;

Thence leaving said True Point of Beginning, South 89°29'31" East a distance of 85.00 feet to a point;

Thence North 00°30'41" East a distance of 30.00 feet to a point;

Thence North 89°29'31" West a distance of 85.00 feet to a point;

Thence South 00°30'41" West a distance of 30.00 feet to the True Point of Beginning and the point of termination for the herein described easement.

The Address of the above referenced Property is 5006 Willow Creek Drive, Owens Cross Roads, AL 35763.

North is based on NAD83 AL East Zone.

TO HAVE AND TO HOLD the aforegranted premises to the said Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the City of Huntsville, Alabama has caused this instrument to be duly executed its Mayor and attested by its Clerk, this the 25th day of September, 2025.

**CITY OF HUNTSVILLE, ALABAMA,
a Municipal Corporation**

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, its City Clerk

CONTINUED ON FOLLOWING PAGE

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 conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, 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 date.

Given under my hand and official seal this 25th day of September, 2025.

Notary Public
My Commission Expires: __

Ordinance No. _____

ADOPTED this the 25th day of September, 2025.

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

APPROVED this the 25th day of September, 2025.

Mayor of the City of Huntsville,
Alabama _____

This instrument was prepared by:
Todd R. Howard
Attorney-at-Law
3315 Memorial Parkway SW, 400-3
Huntsville, Alabama 35801
(256) 975-1055

ADOPTED this the 25th day of September, 2025.

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

APPROVED this the 25th day of September, 2025.

Mayor of the City of
Huntsville, Alabama