



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 10/13/2022

**File ID:** TMP-2157

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**Department:** City Attorney

**Subject:**

**Type of Action:** Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easements for Silo Hill Phase 4 at McMullen Cove Subdivision. (The Hays Farm Trust)

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:**

**Address:** Silo Hill Subdivision at McMullen Cove

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

**Additional Comments:**

**ORDINANCE NO. 22-\_\_\_\_\_**

**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 easements; that the applicant has represented to the City of Huntsville that **THE HAYS FARM TRUST**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA  
COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN  
PERFORMED IN CONNECTION WITH  
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by THE HAYS FARM TRUST, an Irrevocable Trust Dated December 14, 2011, hereinafter referred to as the Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

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

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Ordinance No: 22-\_\_\_\_\_, as of this the 13th day of October, 2022.

CITY OF HUNTSVILLE, an Alabama municipal  
corporation

By: \_\_\_\_\_ (SEAL)  
Tommy Battle, Mayor

ATTEST:

By: \_\_\_\_\_  
Kenneth Benion, Clerk-Treasurer

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and Clerk-Treasurer, respectively, of the City of Huntsville, an Alabama 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 this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 13th day of October, 2022.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley

Wilmer & Lee, PA

100 Washington Street

Huntsville, Alabama 35801

(256) 533-0202

U:\SAM\REAL-ESTATE\VACATION\COH\SILO HILL\QUIT CLAIM DEED.HFT.DOC

EASEMENT 1

STATE OF ALABAMA  
MADISON COUNTY

PART OF THE 30 FOOT EASEMENT RECORDED IN INSTRUMENT NUMBER 2015-00312260 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE FINAL PLAT OF SILO HILL PHASE 1 AS RECORDED IN INSTRUMENT NUMBER 2015-00312260 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE SOUTH 25 DEGREES 09 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 178.92 FEET TO A POINT; THENCE, SOUTH 53 DEGREES 07 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 130.42 FEET TO A POINT; THENCE, NORTH 36 DEGREES 52 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 36 DEGREES 52 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 114.41 FEET TO A POINT; THENCE, NORTH 28 DEGREES 10 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 29.36 FEET TO A POINT; THENCE, ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 07 DEGREES 23 MINUTES 53 SECONDS, HAVING A RADIUS OF 215.00 FEET, AND HAVING A CHORD BEARING OF SOUTH 49 DEGREES 25 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 27.74 FEET TO A POINT; THENCE, SOUTH 53 DEGREES 07 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 28.94 FEET TO A POINT; THENCE, SOUTH 36 DEGREES 52 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 125.00 FEET TO A POINT; THENCE, NORTH 53 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.09 ACRES (3884 SQUARE FEET) MORE OR LESS.

EASEMENT 2

STATE OF ALABAMA  
MADISON COUNTY

PART OF 30 FOOT EASEMENT OF THE FINAL PLAT SILO HILL PHASE 1 AS RECORDED IN INSTRUMENT NUMBER 2015-00312260 AND PART OF AN EASEMENT OF THE FINAL PLAT SILO HILL PHASE 3 AS RECORDED IN INSTRUMENT NUMBER 2017-00377490 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 22 OF SAID FINAL PLAT OF SILO HILL PHASE 1, THENCE SOUTH 27 DEGREES 11 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 105.30 FEET TO A POINT; THENCE, SOUTH 62 DEGREES 48 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 16.49 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 19 DEGREES 47 MINUTES 05 SECONDS EAST A DISTANCE OF 67.15 FEET TO A POINT; THENCE, SOUTH 36 DEGREES 52 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 98.74 FEET TO A POINT; THENCE, NORTH 53 DEGREES 09 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 6.44 FEET TO A POINT; THENCE, ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 0 DEGREES 27 MINUTES 03 SECONDS, HAVING A RADIUS OF 135.00 FEET, AND HAVING A CHORD BEARING OF NORTH 52 DEGREES 53 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 1.06 FEET TO A POINT; THENCE, NORTH 36 DEGREES 52 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 101.42 FEET TO A POINT; THENCE, NORTH 18 DEGREES 57 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 59.27 FEET TO A POINT; THENCE, NORTH 61 DEGREES 49 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 1.04 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.02 ACRES (844 SQUARE FEET) MORE OR LESS.

### EASEMENT 3

STATE OF ALABAMA  
MADISON COUNTY

PART OF 30 FOOT EASEMENT OF THE FINAL PLAT SILO HILL PHASE 1 AS RECORDED IN INSTRUMENT NUMBER 2015-00312260 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA AND LOCATED IN SECTION 8, TOWNSHIP 4 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 22 OF SAID FINAL PLAT OF SILO HILL PHASE 1, THENCE SOUTH 27 DEGREES 11 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 129.26 FEET TO A POINT; THENCE, SOUTH 53 DEGREES 07 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 40.72 FEET TO A POINT; THENCE, SOUTH 36 DEGREES 52 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 53 DEGREES 07 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 7.50 FEET TO A POINT; THENCE, SOUTH 36 DEGREES 52 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 130.00 FEET TO A POINT; THENCE, NORTH 53 DEGREES 07 MINUTES 06 SECONDS WEST A DISTANCE OF 7.50 FEET TO A POINT; THENCE, NORTH 36 DEGREES 52 MINUTES 54 SECONDS EAST A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.02 ACRES (975 SQUARE FEET) MORE OR LESS.

**Ordinance No. 22-\_\_\_\_\_ (Cont.)**

**ADOPTED** this the 13th day of October, 2022.

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

**APPROVED** this the 13th day of October, 2022.

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Mayor of the City of  
Huntsville, Alabama