



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 9/26/2024

File ID: TMP-4668

Department: Huntsville Utilities

Subject:

Type of Action: Approval/Action

Resolution authorizing the acquisition and/or condemnation of the Murphy Farm for use by the City of Huntsville d/b/a Huntsville Utilities for the construction and maintenance of a solar power facility.

Resolution No.

Finance Information:

Account Number: TBD

City Cost Amount: TBD

Total Cost: TBD

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location: (list below)

Address: Murphy Farm

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

Additional Comments:

RESOLUTION NO. 24-_____

BE IT RESOLVED by the City Council of the City of Huntsville, a municipal corporation within the State of Alabama, as follows:

1. That, in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title in and to the following parcel of land, viz:

See Exhibit "A" attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

2. That the obtainment of the foregoing property by the City of Huntsville d/b/a Huntsville Utilities is necessary for the construction and maintenance of a photovoltaic power station for electrical power generation as well as associated transmission lines, solar arrays, wiring, paneling, electrical systems, subsystems, substations and other related facilities, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville be, and he is hereby, authorized, empowered and directed to cause the above-described parcels to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for their respective taking.

4. That the Mayor of the City of Huntsville be, and he is further, authorized, empowered and directed to attempt to acquire the above-described easements for the City for the aforesaid purpose at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire any of the said easements for the purpose aforesaid by voluntary conveyance from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Lanier Ford Shaver & Payne P.C., to file a condemnation action and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said easements by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the easements pursuant to the eminent domain code are hereby ratified and affirmed.

ADOPTED this the 26th day of September, 2024.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 26th day of September, 2024.

Tommy Battle,
Mayor of the City of Huntsville, Alabama

Exhibit "A"

All that part of Section 28, Township 5 South, Range 2 West, of Huntsville Meridian, Madison County, Alabama more particularly described as being South 00 degrees 10 minutes 30 seconds West 528.42 feet from the Northeast corner of said Section 28; Thence from the point of beginning South 00 degrees 10 minutes 30 seconds West along the East boundary of said Section 28 a distance of 1471.03 feet to T.V.A. Monument #126; Thence along the North boundary of Wheeler Wild Life Refuge lands by the following bearings and distance: South 89 degrees 24 minutes 23 seconds West 664.51 feet to T.V.A. Monument #125, South 00 degrees 19 minutes 57 seconds West 663.78 feet to T.V.A. Monument #124, South 89 degrees 49 minutes West 664.63 feet to T.V.A. Monument #123, South 16 degrees 50 minutes West 1331.25 feet to T.V.A. Monument #122, South 89 degrees 54 minutes 17 seconds West 664.28 feet to T.V.A. Monument #121, South 19 degrees 11 minutes West 663.68 feet to T.V.A. Monument #120, South 89 degrees 56 minutes 04 seconds West 666.97 feet to T.V.A. Monument #119, and South 00 degrees 19 minutes 10 seconds West 658.93 feet to T.V.A. Monument #118; Thence South 89 degrees 13 minutes West a distance of 2674.70 feet to the Southwest corner of said Section 28, said point is further described as being on the center line of Wall Triana Road; Thence North 00 degrees 42 minutes 23 seconds East along the centerline of said Wall Triana Road a distance of 3723.31 feet to a point; Thence South 89 degrees 54 minutes 25 seconds East along a old possession fence a distance of 1685.23 feet to a point; Thence North 00 degrees 10 minutes 30 seconds East along an old fence a distance of 570.90 feet to a stone with a chisel X found; Thence South 89 degrees 47 minutes 16 seconds East along an old fence a distance of 1448.20 feet to a point; Thence North 00 degrees 10 minutes 30 seconds East along an old fence a distance of 198.0 feet to a point; Thence South 88 degrees 43 minutes 49 seconds East along an old fence a distance of 1190.04 feet to a point; Thence North 68 degrees 59 minutes 10 seconds East a distance of 1055.83 feet to the point of beginning and containing 389.98 acres.

LESS AND EXCEPT a 30 foot strip of land that runs parallel with the West boundary line of the above described tract of land for the right-of-way of Wall Triana Highway containing 2.56 acres more or less leaving an aggregate of 387.42 acres more or less.