



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/10/2025

File ID: TMP-5383

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Lot 1, Plat Book 2022, Page 136, in Mark C. Smith Subdivision, 905 Mark C. Smith Drive. (IDB)

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: 905 Mark C. Smith 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 applicant has represented to the City of Huntsville that **The Industrial Development Board of the City of Huntsville**, 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:

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
Lanier Ford Shaver & Payne, P.C.
Attorney for Grantor
2101 W. Clinton Ave., Ste. 102
Huntsville, AL 35805
256-535-1100

(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED FOR VACATION OF UTILITY AND DRAINAGE EASEMENT

THIS INDENTURE made and entered into on this 10 day of April, 2025, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF HUNTSVILLE, an Alabama public corporation ("Grantee").

WITNESSETH: That the Grantor, for and in consideration of Ten Dollars (\$10.00) in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim, and convey unto the Grantee, all of the Grantor's right, title, interest and claim in and to the following described utility and drainage easement situated in the City of Huntsville, County of Madison, State of Alabama, to-wit (the "Easement"):

See Exhibit "A" attached hereto and incorporated herein, and said Easement being depicted in Exhibit "B" attached hereto.

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

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed on its behalf by its Mayor and attested by its City Clerk, pursuant to Ordinance 25-, as of this the 10 day of April, 2025.

[SIGNATURE PAGE TO FOLLOW]

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____
Tommy Battle, Mayor

ATTEST:

By: _____
Shaundrika Edwards, City Clerk

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, an Alabama 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 for and as the act of said municipal corporation on the day the same bears date.

GIVEN under my hand and official seal this the 10th day of April, 2025.

NOTARY PUBLIC
My commission expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE DRAFTER. NO TITLE EXAMINATION HAS BEEN PERFORMED AND NO TITLE OPINION ISSUED IN CONNECTION WITH THIS TRANSACTION.

Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: 305 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address: 220 Church St. NW, Huntsville, Alabama 35801
Property Address: +/- 0.44 acre utility and drainage easement lying within Lot 1A of Mark C. Smith
Drive Subdivision, Ph. 5
Purchase Price: N/A

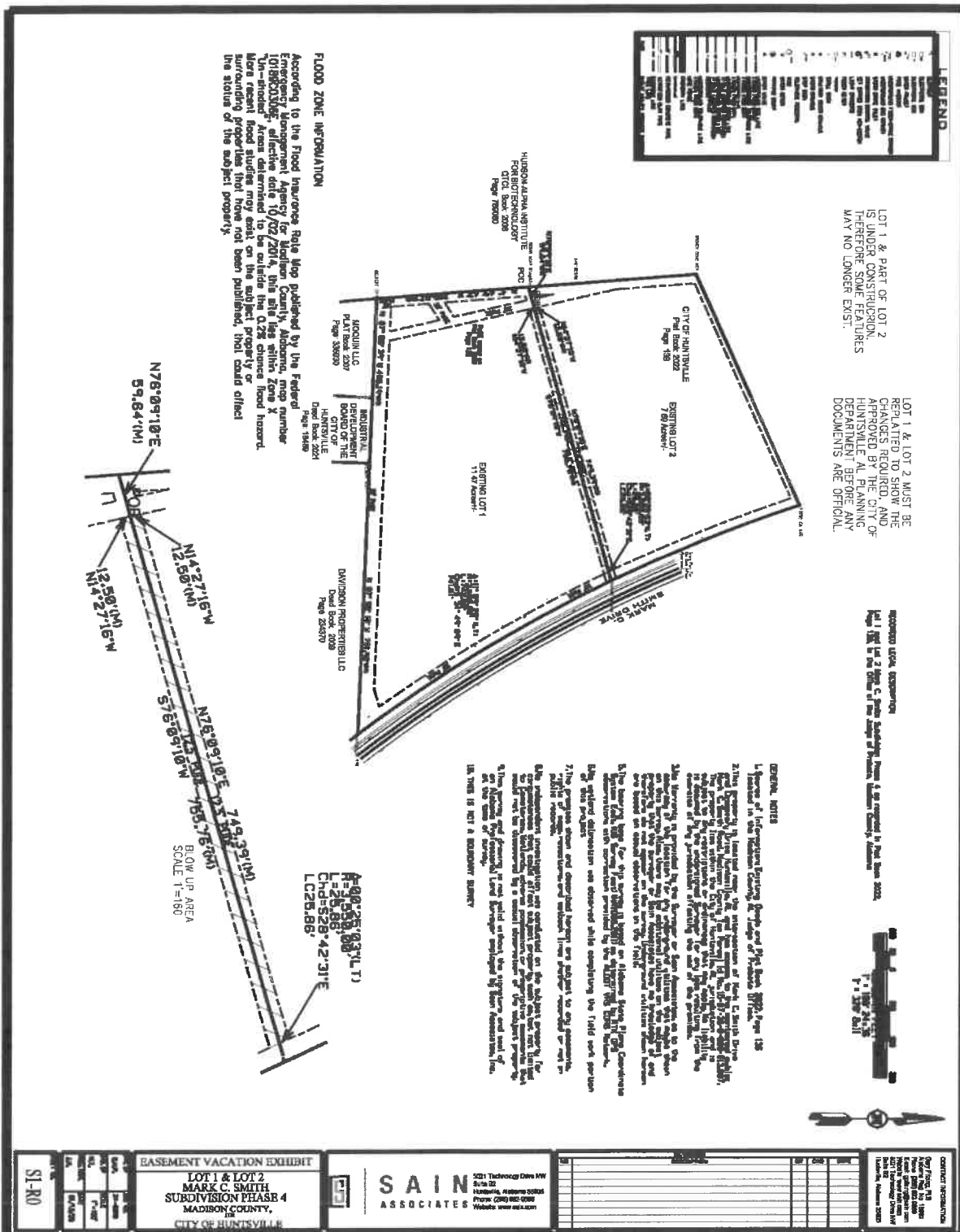
Exhibit "A"
(Legal Description of Vacated Easement)

Public Utility and Drainage Easement for Vacation of Lots 1 and 2 of the Mark C. Smith Subdivision Phase 4 as recorded in Plat Book 2022, Page 136 in the Office of the Judge of Probate, Madison County, Alabama and being more particularly described as follows.

COMMENCE at the Northwest corner of said Lot 1, being an Capped Iron Pin, Illegible; thence N 76° 09' 10" E a distance of 56.64 feet to the **POINT OF BEGINNING**; Thence N 14° 27' 16" E a distance of 12.50 feet to a point; thence N 76° 09' 10" E a distance of 749.39 feet to a point on the Western side of a 25' Public Utility and Drainage Easement lying parallel to the Western Right-of-Way of Mark C. Smith Drive; said point being the point of curvature of a non-tangent curve to the left having a radius of 3550.00, a delta of 00° 25' 03", a chord bearing of S 28° 42' 31" E, and a chord distance of 25.86; thence continue along the arc of said curve and said West Right-of-Way a distance of 25.86 feet: thence leaving said 25' Public Utility and Drainage Easement S 76° 09' 10" W a distance of 755.76 feet; thence N 14° 27' 16" E a distance of 12.50 feet back to the **POINT OF BEGINNING**;

The above-described tract contains 0.44 acres more or less.

(Depiction of Vacated Easement)



ADOPTED this the 10th day of April, 2025.

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

APPROVED this the 10th day of April, 2025.

Mayor of the City of
Huntsville, Alabama