



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/11/2024

File ID: TMP-4376

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a 5-foot Utility and Drainage Easement along the south right-of-way margin of Davis Circle.

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: Davis Circle U & D Easement

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

Additional Comments:

This goes along with a right-of-way vacation for the same property.

ORDINANCE NO. 24-_____

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 **Park Place Huntsville, LLC**, 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, PC
Attorney for Grantor
2101 W. Clinton Ave, Ste. 102
Huntsville, Alabama 35805
256-535-1100

(Space Above Line for Use by Recording Office)

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this ___ day of _____, 2024, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation (“Grantor”) and PARK PLACE HUNTSVILLE, LLC, a Delaware limited liability company (“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 real estate 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 further 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 Resolution No. _____, as of this the ___ day of _____, 2024.

[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.

GIVEN under my hand and official seal this the ____ day of _____, 2024.

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: 308 Fountain Circle, P.O. Box 308, Huntsville, Alabama 35801
Grantee's Address: 120 N. Hale Street, Ste. 300, Wheaton, Illinois 60187
Property Address: +/-0.04 U&D easement (affecting Lot 1 of Vista Council Square Phase II)
Purchase Price: N/A

Exhibit "A"
(Legal Description of Vacated Easement)

5-FOOT WIDE PUBLIC UTILITY & DRAINAGE EASEMENT TO BE VACATED

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA {BEARING AND/OR DISTANCES REFERENCED TO THE ALABAMA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD '83 (2011)} AND BEING A PORTION OF A FIVE FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT LYING WITHIN LOT 1 OF THE FINAL PLAT OF VISTA AT COUNCILL SQUARE PHASE II AS RECORDED IN PLAT BOOK 2023, PAGE 140 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 AND HAVING STATE PLANE COORDINATES OF NORTH: 1537421.50, EAST: 429451.08; SAID POINT BEING FURTHER DESCRIBED AS LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF DAVIS CIRCLE (50-FOOT WIDE PRESENT RIGHT-OF-WAY); THENCE RUN ALONG THE NORTH BOUNDARY OF SAID LOT 1, SOUTH 82 DEGREES 58 MINUTES 03 SECONDS WEST, 5.00 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING AND LEAVING THE NORTH BOUNDARY OF SAID LOT 1, RUN SOUTH 07 DEGREES 02 MINUTES 08 SECONDS EAST, 5.00 FEET TO A POINT; THENCE RUN SOUTH 82 DEGREES 58 MINUTES 03 SECONDS WEST, 236.14 FEET TO A POINT; THENCE RUN SOUTH 82 DEGREES 47 MINUTES 04 SECONDS WEST, 87.10 FEET TO A POINT; THENCE RUN 25.82 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET, A DELTA ANGLE OF 02 DEGREES 47 MINUTES 30 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES 19 MINUTES 59 SECONDS WEST, 25.82 FEET TO A POINT; THENCE RUN NORTH 28 DEGREES 50 MINUTES 33 SECONDS EAST, 6.05 FEET TO A POINT LYING ON THE NORTH BOUNDARY OF SAID LOT 1; THENCE RUN 22.22 FEET ALONG THE NORTH BOUNDARY OF SAID LOT 1, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, A DELTA ANGLE OF 02 DEGREES 25 MINUTES 30 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 83 DEGREES 08 MINUTES 45 SECONDS EAST, 22.22 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN NORTH 82 DEGREES 47 MINUTES 04 SECONDS EAST, 87.15 FEET TO A POINT; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID LOT 1, RUN NORTH 82 DEGREES 58 MINUTES 03 SECONDS EAST, 236.15 FEET BACK TO THE POINT OF BEGINNING;

SAID PORTION OF EASEMENT CONTAINS 0.040 ACRES (1736 SQUARE FEET) MORE OR LESS.

Ordinance No. 24-_____ (Cont.)

ADOPTED this the 11th day of July, 2024.

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

APPROVED this the 11th day of July, 2024.

Mayor of the City of
Huntsville, Alabama