



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/13/2023

File ID: TMP-3111

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a portion of a Utility and Drainage Easement, Lots 8 & 9, Spacegate Commercial Park. (Rocket Town)

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: Lots 8 & 9, Spacegate Commercial Park

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

Additional Comments:

ORDINANCE NO. 23-_____

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 **Rocket Town Properties, 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:

(Space Above Line for Use by Recording Office)

THIS INSTRUMENT PREPARED BY:

Katherine Amos Beasley
WILMER & LEE, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801
(256) 533-0202

STATE OF ALABAMA

COUNTY OF MADISON

QUITCLAIM DEED

THIS INDENTURE made and entered into on this 13 day of July, 2023, by and between, CITY OF HUNTSVILLE, an Alabama municipal corporation ("Grantor") and ROCKET TOWN PROPERTIES, LLC, a Kansas 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:

See Exhibit "A" attached hereto and incorporated herein.

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 _____, as of this the 13 day of July, 2023.

[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 13th day of July, 2023.

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: 15720 W 108TH ST, STE. 100, LENEXA, KS 66219
Property Address: 10' U&D Easement in S18, T3S, R1W
Purchase Price: N/A

Exhibit "A"
(Legal Description of Vacated Easement)

An Easement, ten feet in width lying and being five feet on each side of the following described centerline:

That part of the Northeast Quarter of Section 18 in Township 3 South of Range 1 West of the Huntsville Meridian in the City of Huntsville, Madison County, Alabama more particularly described as follows:

COMMENCE at the Southwest corner of Lot 9 of the Record Plat of Spacegate, a resubdivision of Spacegate Commercial Park (less and except Lot 12, Block 2, Lot 9, Block 1, Lot 9, Block 3) and other lands as recorded in Plat Book 24 at Page 69 in the Office of the Judge of Probate of Madison County, Alabama; thence, along the westerly line of said Lot 9, N 06°09'22" E a distance of 48.53 feet to the POINT OF BEGINNING; thence, N 06°09'22" E a distance of 308.92 feet, passing a 1/2-inch rebar capped Busbin at a distance of 285.44 feet, to the terminus of said centerline.

EXCEPTING THEREFROM any part shared with other easements in the Public Record.

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 13th day of July, 2023.

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

APPROVED this the 13th day of July, 2023.

Mayor of the City of
Huntsville, Alabama