

Department: City Attorney

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of a Utility and Drainage Easement, Grande Highland Estates 4th Addition, Muir Wood Road. (Phillips)

Ordinance No.

Finance Information:

Account Number: Click or tap here to enter text.

City Cost Amount: \$

Total Cost: \$

Special Circumstances:

Grant Funded: \$

Grant Title – CFDA or granting Agency: Click or tap here to enter text.

Resolution #: Click or tap here to enter text.

Location:

Address:

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 easement; that the applicant has represented to the City of Huntsville that **Estelle Broadus Phillips and Barry Curtis Phillips, Sr., as Trustees of the Estelle Broadus Phillips Living Trust**, are the owners 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:

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, a municipal corporation, hereinafter referred to as the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by ESTELLE BROADUS PHILLIPS AND BARRY CURTIS PHILLIPS, SR. AS TRUSTEES OF THE ESTELLE BROADUS PHILLIPS LIVING TRUST, 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 the 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 FOR LEGAL DESCRIPTION AND EXHIBIT "B"
FOR COPY OF SURVEY.

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: _____, as of this the 28th day of April, 2022.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST: _____
Kenneth Benion City-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 City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, 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, Alabama, a municipal corporation.

Given under my hand and official seal this 28th day of April, 2022.

NOTARY PUBLIC

My Commission Expires:

THIS INSTRUMENT PREPARED BY:

Charles P. Helms, 912 Merchants Walk, Huntsville, AL 35801

EXHIBIT "A"

(Utility and Drainage Easement to be vacated)

STATE OF ALABAMA:

MADISON COUNTY:

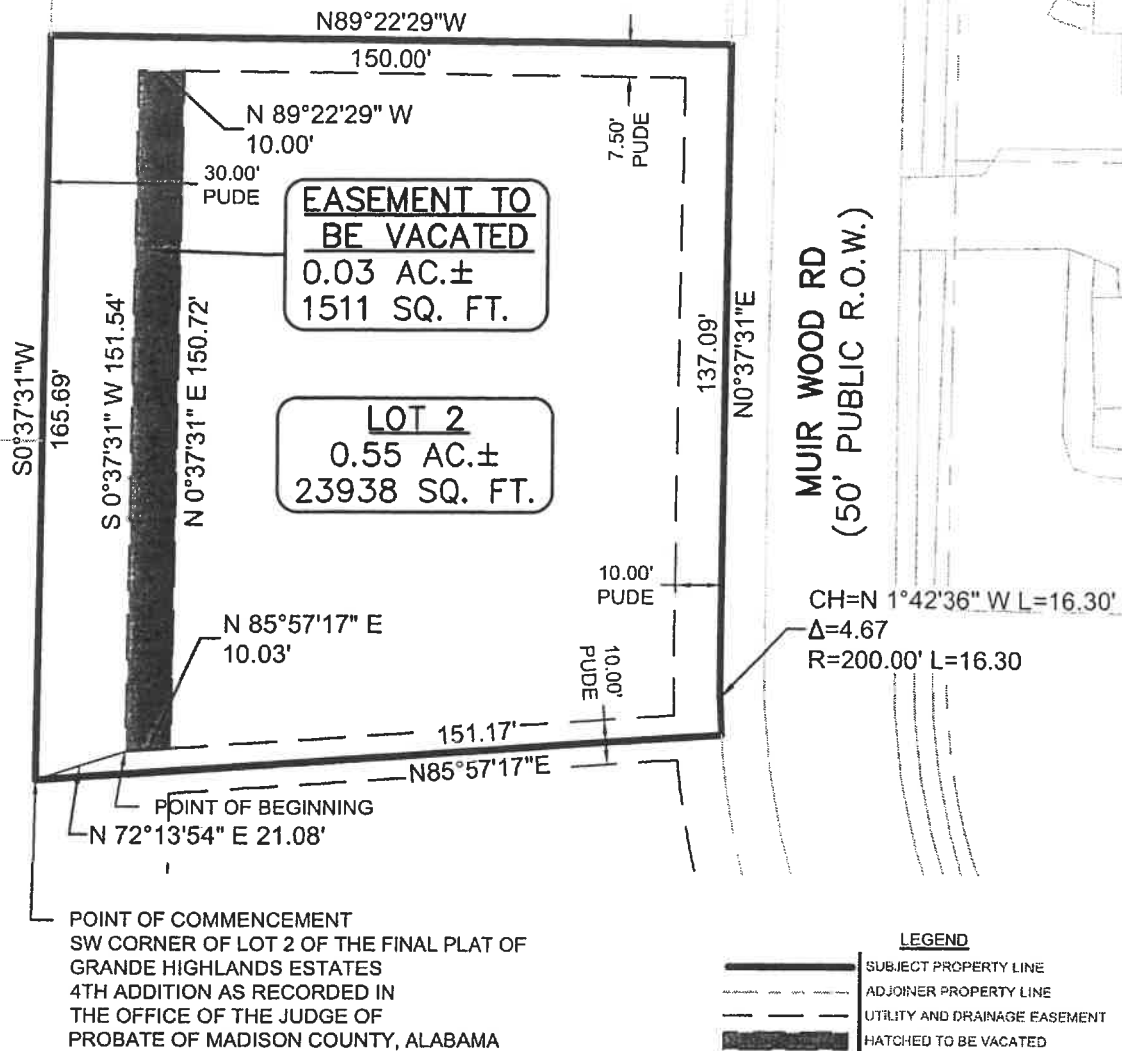
A PARCEL OF LAND LOCATED IN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING 10 FEET OF A 30 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2 OF THE FINAL PLAT OF GRANDE HIGHLANDS ESTATES 4TH ADDITION, A RESUBDIVISION OF LOTS 43, 44 AND 45 OF GRANDE HIGHLAND ESTATES THIRD ADDITION, DOCUMENT NO. 20140528000278710, AS RECORDED IN INSTRUMENT NUMBER 2019-00046637 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA THENCE NORTH 72 DEGREES 13 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 21.08 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, NORTH 00 DEGREE 37 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 151.54 FEET TO A POINT; THENCE, SOUTH 89 DEGREE 22 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE, SOUTH 00 DEGREE 37 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 150.72 FEET TO A POINT; THENCE, SOUTH 85 DEGREE 57 MINUTES 17 SECONDS WEST A DISTANCE OF 10.03 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.03 ACRES (1511 SQUARE FEET) MORE OR LESS.

EXHIBIT "B"



POINT OF COMMENCEMENT
SW CORNER OF LOT 2 OF THE FINAL PLAT OF
GRANDE HIGHLANDS ESTATES
4TH ADDITION AS RECORDED IN
THE OFFICE OF THE JUDGE OF
PROBATE OF MADISON COUNTY, ALABAMA

LEGAL DESCRIPTION

STATE OF ALABAMA
MADISON COUNTY

A PARCEL OF LAND LOCATED IN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING 10 FEET OF A 30 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 0.03 ACRES (1511 SQUARE FEET) MORE OR LESS.



DRAWN BY: ADN	EASEMENT VACATION	
FIELD CREW: N/A		
FIELD DATE: 00.00.00	LOT 2 - GRANDE HIGHLANDS ESTATES	
OFFICE DATE: 03/09/22	4TH ADDITION	
CHECKED BY: ASM	PREPARED FOR ESTELLE & BARRY PHILLIPS	
SHEET: 03/09/22	SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST	2 THE POINT INCORPORATED
JOB NO: 19-120		

Ordinance No. 22-_____ (Cont.)

ADOPTED this the 28th day of April, 2022.

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

APPROVED this the 28th day of April, 2022.

Mayor of the City of
Huntsville, Alabama