



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

---

**Meeting Type:** City Council Regular Meeting **Meeting Date:** 11/2/2023

**File ID:** TMP-3580

---

**Department:** Urban Development

**Subject:**

**Type of Action:** Introduction

Introduction of an ordinance to declare certain real property as surplus and no longer needed for a municipal purpose and authorizing the City of Huntsville enter into a Development Agreement and Ground Lease with BREG HSV, LLC.

Ordinance No.

**Finance Information:**

**Account Number:** TBD

**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:** Joe Davis Stadium property

**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, 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, the real property described in Exhibit "A" and depicted in Exhibits "B-1" and "B-2" attached hereto and incorporated herein (the "Property"), is surplus to the needs of the City of Huntsville, and effective simultaneously herewith the City of Huntsville will enter into a Development Agreement and Ground Lease with BREG HSV, LLC, an Alabama limited liability company (the "Company"), for the purpose of developing a limited service hotel and meeting space for general meetings, conferences, and other events (the "Hotel Project") on the Property; and in accordance with the terms of the Development Agreement and Ground Lease.
2. That, the Property is intended to be leased to the Company at a fair and reasonable market rate, established at \$100,000.00 per year to be increased in accordance with the terms of the Ground Lease, as the same will serve a valid and sufficient public purpose, to increase sales and tax revenue, further economic development, and promote commerce, public entertainment, and quality of life improvements in and around Joe Davis Stadium and John Hunt Park.
3. That, upon lease of the Property, for such total amount as may be approved by the City Council of the City of Huntsville, that the Mayor is hereby directed to lease the Property to the Company in accordance with *Code of Alabama (1975) §11-47-21* and that this Ordinance shall be published in accordance with *Code of Alabama (1975) § 11-45-8*.

**ADOPTED** this the \_\_\_\_ day of November, 2023.

---

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

**APPROVED** this the \_\_\_\_ day of November, 2023.

---

Mayor of the City Council of the  
City of Huntsville, Alabama

Exhibit "A"  
(Legal Description of the Property)

A tract of land lying and being in Section 12, Township 4 South, Range 1 West of the Huntsville Meridian.

Commencing at a #5 rebar found marking the southeast corner of Lot 2 of R.C. Cobb Hollywood Sixteen Theatre as recorded in the Office of the Judge of Probate for Madison County, Alabama in Plat Book 30, Page 10, said point marking the west right-of-way of Memorial Parkway – US Highway 231; thence along the east boundary of said Lot 2 and said right-of-way North 23 Degrees 16 Minutes 51 Seconds West a distance of 345.60 feet to a #5 rebar found; thence leaving said right-of-way South 66 Degrees 52 Minutes 57 Seconds West a distance of 118.23 feet to a #5 rebar found; thence North 24 Degrees 57 Minutes 40 Seconds West a distance of 130.26 feet to a #5 rebar found; thence North 64 Degrees 44 Minutes 07 Seconds East a distance of 121.55 feet to said west right-of-way; thence along said right-of-way North 25 Degrees 02 Minutes 38 Seconds West a distance of 172.16 feet to a #5 rebar with a cap stamped "GARVER LLC CA-445-LS" (typical) set on the north boundary of said Lot 2; thence leaving said east boundary and right-of-way and along the north boundary of said Lot 2 South 89 Degrees 11 Minutes 50 Seconds West a distance of 281.71 feet to a #5 rebar set on the east right-of-way of an existing access street; thence leaving said right-of-way North 88 Degrees 46 Minutes 07 Seconds West a distance of 50.00 feet to a #5 rebar set on the proposed west right-of-way of said access street, said point being the Point of Beginning of herein described tract having established grid coordinates of (N) 1528878.55, (E) 429590.11 of the Alabama State Plane Coordinate System Zone East of the North American Datum of 1983 (NAD83);

Thence along said right of way South 4 Degrees 57 Minutes 19 Seconds West a distance of 75.30 feet to a #5 rebar set; thence South 9 Degrees 27 Minutes 12 Seconds West a distance of 338.74 feet to a #5 rebar set at the point of curvature of a curve to the right, having a radius of 25.00 feet, the chord of which is South 48 Degrees 32 Minutes 36 Seconds West for a distance of 30.36 feet, thence along the arc of said curve 32.62 feet to a #5 rebar set at the point of tangency of said curve, said point being on the north right -of-way of said access street; thence leaving said west right-of-way and along said north right-of-way North 88 Degrees 13 Minutes 06 Seconds West a distance of 106.14 feet to a #5 rebar set; thence leaving said right-of-way North 43 Degrees 28 Minutes 21 Seconds West a distance of 16.14 feet to a #5 rebar set; thence North 1 Degrees 43 Minutes 53 Seconds East a distance of 25.36 feet to an existing chain link fence; thence along said fence North 1 Degrees 43 Minutes 52 Seconds East a distance of 195.86 feet; thence North 88 Degrees 10 Minutes 08 Seconds West a distance of 27.63 feet; thence South 5 Degrees 33 Minutes 29 Seconds West a distance of 23.12 feet; thence South 21 Degrees 54 Minutes 30 Seconds West a distance of 4.58 feet; thence North 88 Degrees 10 Minutes 50 Seconds West a distance of 67.12 feet; thence North 1 Degrees 47 Minutes 27 Seconds East a distance of 311.75 feet; thence leaving said fence; North 1 Degrees 47 Minutes 27 Seconds East a distance of 182.03 feet to a #5 rebar set on the south right-of-way of Don Mincher Drive, said point being on a curve to the left, having a radius of 858.45 feet, the chord of which is North 89 Degrees 18 Minutes 40 Seconds East for a distance of 136.31 feet; thence along said right-of-way and the arc of said curve 136.45 feet to a #5 rebar set at the point of tangency of said curve; thence North 83 Degrees 50 Minutes 52 Seconds East a distance of 71.04 feet to a #5 rebar set; thence South 69 Degrees 18 Minutes 01 Seconds East a distance of 46.11 feet to a #5 rebar set on the proposed west right-of-way of said access street; thence leaving said south right-of way and along said proposed west right-of-way South 8 Degrees 52 Minutes 59 Seconds East a distance of 157.13 feet to a #5 rebar set at the point of curvature of a curve to the right, having a radius of 785.15 feet, the chord of which is South 3 Degrees 02 Minutes 04 Seconds East for a distance of 88.17 feet; thence along the arc of said curve 88.22 feet to a #5 rebar set at the point of tangency of said curve; thence South 0 Degrees 48 Minutes 58 Seconds West a distance of 25.83 feet to the POINT OF BEGINNING.

The above-described tract contains 3.83 acres (167010.605 sq. ft.) more or less and is subject to any existing easements and rights-of-way whether or not recorded in the public records.



Exhibit "B-2"  
(Depiction of the Property)

