



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/13/2023

File ID: TMP-2825

Department: Legal

Subject:

Type of Action: Approval/Action

Ordinance authorizing the vacation of Utility and Drainage Easements, Inverness Springs, Phase 1, East of Holladay Road, South of Highway 72. (Elite Properties)

Type of Document: 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: Inverness Springs, Phase 1, East of Holladay Road, South of Highway 72.

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 utility and drainage easements; that the applicant has represented to the City of Huntsville that **Elite Properties and Development LLC**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF LIMESTONE

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **CITY OF HUNTSVILLE**, an Alabama municipal corporation, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars (\$10.00) in hand paid by **ELITE PROPERTIES AND DEVELOPMENT, LLC**, hereinafter referred to as Grantee, and other good and valuable considerations, 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:

DRAINAGE EASEMENT VACATION #1 LEGAL DESCRIPTION:

COMMENCING AT A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHWEST CORNER OF LOT 32 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT:

THENCE FROM THE POINT OF BEGINNING RUN NORTH 89 DEGREES 23 MINUTES 42 SECONDS WEST FOR A DISTANCE OF 77.53 FEET TO A POINT;

THENCE RUN NORTH 00 DEGREES 38 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 200.04 FEET TO A POINT;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 24.99 FEET TO A POINT;

THENCE RUN NORTH 00 DEGREES 37 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 430.17 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY FOR BRIAN HILL ROAD;

THENCE RUN ALONG SAID RIGHT-OF-WAY RUN SOUTH 77 DEGREES 03 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 40.94 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE NORTHWEST CORNER OF LOT 28 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA;

THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 00 DEGREES 37 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 471.45 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" ON THE SOUTHERN RIGHT-OF-WAY FOR GOLDEN HAY CIRCLE;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 12.50 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE NORTHWEST CORNER OF LOT 32 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA;

THENCE RUN SOUTH 00 DEGREES 37 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 150.00 FEET AND BACK TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 0.73 ACRES +/-.

DRAINAGE EASEMENT WITH ALL INCLUSIVE EASEMENT VACATION #2 LEGAL DESCRIPTION:

COMMENCING AT A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHWEST CORNER OF LOT 1 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT:

THENCE FROM THE POINT OF BEGINNING RUN NORTH 89 DEGREES 22 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 121.60 FEET TO A POINT;

THENCE RUN NORTH 00 DEGREES 37 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 350.00 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHWEST CORNER OF LOT 42 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 121.60 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHWEST CORNER OF LOT 44 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA;

THENCE RUN SOUTH 00 DEGREES 37 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 350.00 FEET AND BACK TO THE POINT OF BEGINNING,

SAID EASEMENT CONTAINS 0.98 ACRES +/-.

DRAINAGE EASEMENT VACATION #3 LEGAL DESCRIPTION:

COMMENCING AT A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHEAST CORNER OF LOT 6 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT:

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 00 DEGREES 37 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 120.00 FEET TO A POINT;

THENCE RUN NORTH 89 DEGREES 22 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 200.00 FEET TO A POINT;

THENCE RUN NORTH 00 DEGREES 37 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 105.00 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" ON THE WESTERN RIGHT-OF-WAY FOR GOLDEN HAY CIRCLE;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" ON THE EASTERN RIGHT-OF-WAY FOR GOLDEN HAY CIRCLE;

THENCE RUN NORTH 00 DEGREES 37 MINUTES 52 SECONDS EAST ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 15.00 FEET TO A CAPPED ½ INCH REBAR STAMPED "MORELL CA-742-LS" LOCATED AT THE SOUTHWEST CORNER OF LOT 6 OF THE FINAL PLAT FOR INVERNESS SPRINGS, PHASE 1 AS RECORDED IN PLAT BOOK K, PAGES 113-115 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY, ALABAMA;

THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 10.00 FEET TO A POINT;

THENCE RUN SOUTH 00 DEGREES 37 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 110.00 FEET TO A POINT;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 125.00 FEET TO A POINT;

THENCE RUN NORTH 00 DEGREES 37 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 110.00 FEET TO A POINT;

THENCE RUN SOUTH 89 DEGREES 22 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 15.00 FEET AND BACK TO THE POINT OF BEGINNING;

SAID EASEMENT CONTAINS 0.22 ACRES +/-.

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

IN WITNESS WHEREOF, Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its City Clerk, this the 13th day of April, 2023.

CITY OF HUNTSVILLE, ALABAMA,
a 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, Alabama, a municipal corporation are signed to the foregoing document, 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 corporation on the day the same bears day.

GIVEN under my hand and official seal this the 13th day of April, 2023.

Notary Public

THIS INSTRUMENT PREPARED BY:
Morell Engineering, Inc.
711 East Hobbs Street
Athens, Alabama 35611

Ordinance No. 23-_____ (Cont.)

ADOPTED this the 13th day of April, 2023.

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

APPROVED this the 13th day of April, 2023.

Mayor of the City of
Huntsville, Alabama