

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 3/28/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Eminent domain proceedings for County Line Sanitary Sewer Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for permanent sanitary sewer easements on, over and upon a parcel of land for the County Line Sanitary Sewer Project.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Mary C. Catis

Date: 3/28/2013

County Line
Sanitary Sewer
#65-04-SS07

RESOLUTION NO. 13-_____

BE IT RESOLVED 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, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn permanent, exclusive sanitary sewer easements on, over and upon the following described parcels of land, viz:

See Exhibits "A-1" through "B-2," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property is necessary for the County Line Road Sanitary Sewer Project, Project No. 65-04-SS07, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of said properties and/or any other properties related to this project, pursuant to the eminent domain code, are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the properties by the exercise of the right of eminent domain.

ADOPTED this the 28th day of March, 2013.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 28th day of March, 2013.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

**LIMESTONE COUNTY, ALABAMA
PARCEL 2, HIGHWAY 72 SANITARY SEWER PHASE VI**

**COORDINATES AND BEARING ARE BASED ON ALABAMA EAST, STATE
PLANE COORDINATE SYSTEM**

Alabama East State Plane Coordinates

Point of Commence N-1550599.14 / E-370030.95

Point of Beginning N-1546912.58 / E-368719.09

A 30 foot wide Sanitary Sewer Easement which is more particularly described as follows:

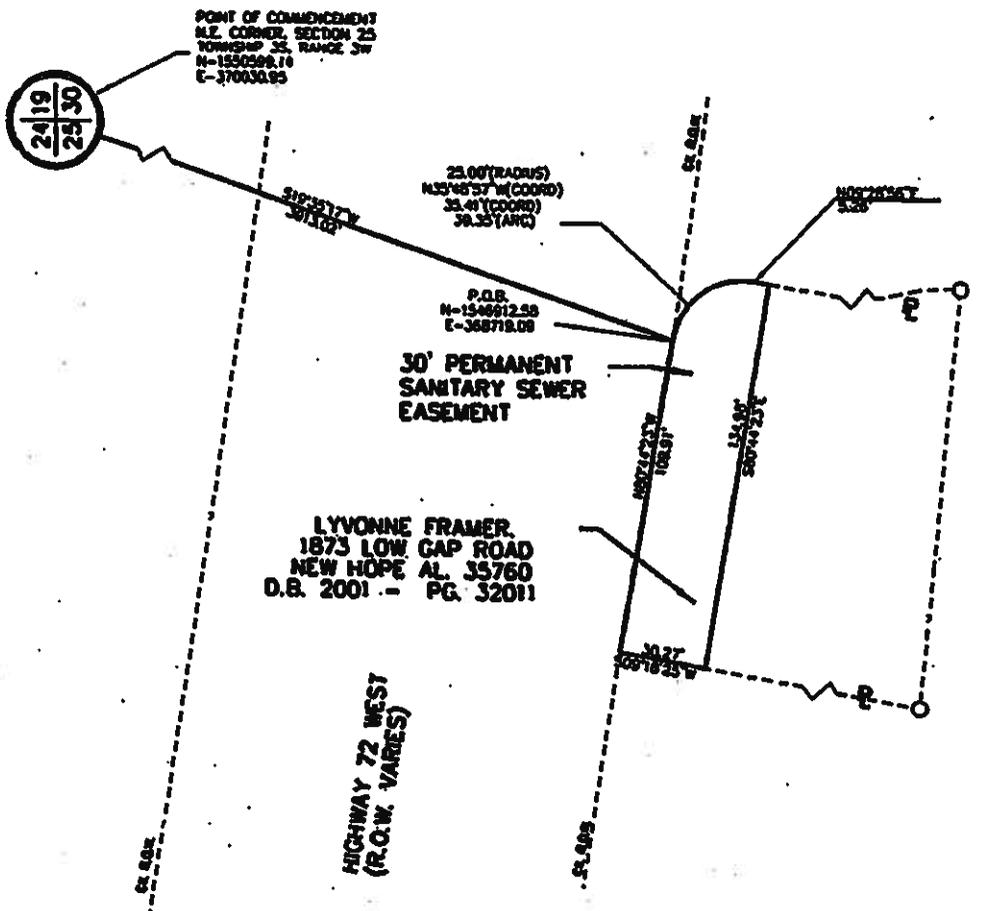
Commence at the Northeast Corner of Section 25, Township 3 South, Range 3 West thence run South $19^{\circ}35'17''$ West for a distance of 3913.02 feet; to the Southern Right-of-way of U.S. Highway 72; also being the **POINT OF BEGINNING**;

Thence run along said Right-of-way North $80^{\circ}44'23''$ West for a distance of 109.91 feet to a point on the West line of the property as described in Deed Book 2001, Page 32011;

Thence leaving said Southern Right-of-way run South $09^{\circ}18'25''$ West along said West line for a distance of 30.27 feet;

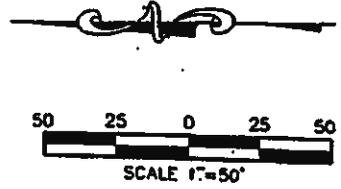
Thence run South $80^{\circ}44'23''$ East parallel to said Right-of-way for a distance of 134.98 feet to a point on the Western Right-of-way of Copperfield Lane;

Thence run North $09^{\circ}28'56''$ East along said Western Right-of-way for a distance of 5.26 feet to a point of curvature to the left with a radius of 25 feet, a chord bearing of North $35^{\circ}48'57''$ West and a chord distance of 35.41 feet thence run along the arc length for a distance of 39.35 feet along said Western Right-of-Way back to the **POINT OF BEGINNING**; Said tract contains 0.09 acres more or less;



LYVONNE FRAMER,
1873 LOW GAP ROAD
NEW HOPE AL 35760
O.B. 2001 - PG. 32011

HIGHWAY 72 WEST
(R.O.W. VARIES)



TOTAL ACRES	1.70 AC.
PERM. ESM'T. REQ'D.	0.09 AC.
REMAINDER	1.70 AC.

TCE = TEMPORARY CONSTRUCTION EASEMENT
O = PROPERTY CORNER

Coordinates and Bearings are based on Alabama East State Plane Coordinate System.

THIS DOCUMENT WAS PREPARED FROM PLAN MEASUREMENTS AND CALCULATIONS USING TAX MAPS, SOURCE DEEDS, MONUMENTATION AND OTHER AVAILABLE DATA FOR THE PURPOSE OF ACQUIRING PROPERTY. NO BOUNDARY SURVEY WAS PERFORMED ON INDIVIDUAL GRANTOR'S PROPERTIES.

Highway 72 Sanitary Sewer Phase VI - County Line Road

BWSC
BARGE WASSON SUMNER & GANNON, INC.
ENGINEERS PLANNERS
1000 20th Street, Huntsville, Alabama 35891
Phone (256) 837-1100 Fax (256) 837-1101

LYVONNE FRAMER
PERMANENT SANITARY EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT
SECTION 25, T35, R3W
LIMESTONE COUNTY, ALABAMA
FOR
CITY OF HUNTSVILLE

DRAWN BY: JML	CHECKED BY: GHP
PARCEL NO.:	2
JOB NO.:	DATE:
32321.15	05/24/2011

**LIMESTONE COUNTY, ALABAMA
PARCEL 3, HIGHWAY 72 SANITARY SEWER PHASE VI**

**COORDINATES AND BEARING ARE BASED ON ALABAMA EAST, STATE
PLANE COORDINATE SYSTEM**

Alabama East State Plane Coordinates

Point of Commence N-1550599.14 / E-370030.95

Point of Beginning N-1546873.81 / E-368956.19

A 30 foot wide Sanitary Sewer Easement which is more particularly described as follows:

Commence at the Northeast Corner of Section 25, Township 3 South, Range 3 West
thence run South $16^{\circ}05'34''$ West for a distance of 3877.27 feet; to the Southern Right-
of-way of U.S. Highway 72; also being the **POINT OF BEGINNING**;

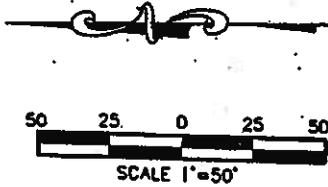
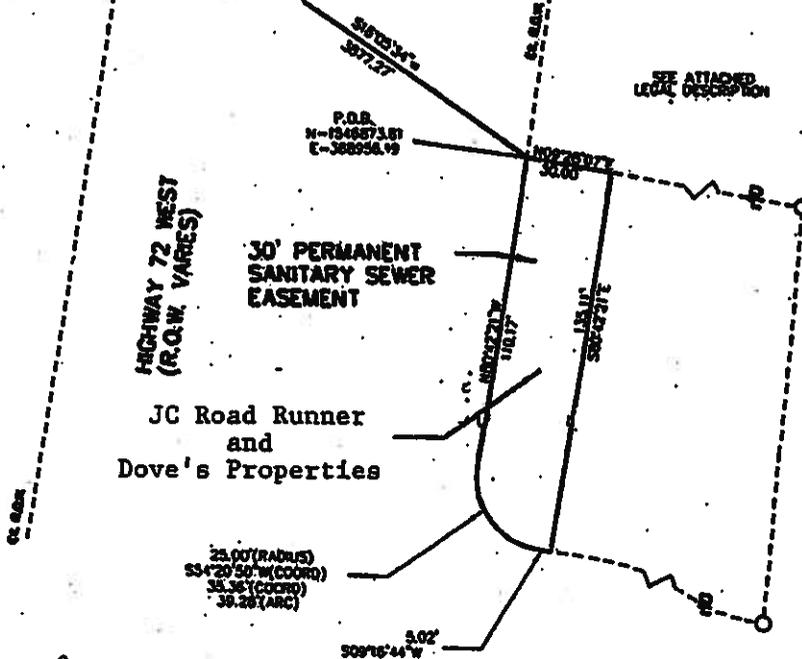
Thence run along said Right-of-way North $80^{\circ}42'21''$ West for a distance of 110.17 feet
to the point of curvature to the left with a radius of 25 feet, a chord bearing of South
 $54^{\circ}20'50''$ West and a chord distance of 35.36 feet; thence run along the arc of said curve
for a distance of 39.28 feet to a point on the Eastern Right-of way of Copperfield Lane;

Thence run South $09^{\circ}16'44''$ West along last said Eastern Right-of-way for a distance of
5.02 feet;

Thence leaving last said Eastern Right-of-way run South $80^{\circ}42'21''$ East parallel to the
Southern Right-of-way of U.S. Highway 72 for a distance of 135.11 feet to a point on the
West line of the property as described in Deed Book 467, Page 221;

Thence run North $09^{\circ}28'07''$ East along said West property line for a distance of 30.00
feet back to the **POINT OF BEGINNING**; Said tract contains 0.09 acres more or less;

POINT OF COMMENCEMENT
N.E. CORNER, SECTION 25
TOWNSHIP 25, RANGE 3W
N=1550598.14
E=370030.95



TOTAL ACRES	1.70 AC.
PERM. ESM'T. REQ'D.	0.09 AC.
REMAINDER	1.70 AC.

TCE = TEMPORARY CONSTRUCTION EASEMENT
O = PROPERTY CORNER

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Highway 72 Sanitary Sewer Phase VI - County Line Road

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Phone (256) 837-1111 Fax (256) 837-1111

PERMANENT SANITARY EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT
SECTION 25, T35, R3W
LIMESTONE COUNTY, ALABAMA
FOR
CITY OF HUNTSVILLE

DRAWN BY: JML	CHECKED BY: GHP
PARCEL NO.: 3	
JOB NO.: 32321#15	DATE: 05/24/2011