

ORDINANCE NO. 13-_____

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 a vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that Pearson Homes, Inc., is the owner of the property across which said easement lies; that said easement, or 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)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA**, an Alabama municipal corporation, hereinafter referred to as "Grantor", in consideration of the sum of **TEN DOLLARS (\$10.00)**, in hand paid to it by **PEARSON HOMES, INC.**, an Alabama corporation, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the said 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:

DESCRIPTIONS OF A PORTION OF A UTILITY AND DRAINAGE EASEMENT ALONG THE WEST BOUNDARY OF HAMPTON STATION PHASE 3, AS RECORDED IN DOCUMENT NUMBER 20070130000066140, IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA.

PARCEL A

ALL THAT PART OF LOTS 18, 19, 20, AND 21 OF HAMPTON STATION PHASE 3 MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE NORTH BOUNDARY OF SAID LOT 21 WHICH IS LOCATED NORTH 82 DEGREES 22 MINUTES 26 SECONDS EAST, 30.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 21;

THENCE FROM THE POINT OF BEGINNING NORTH 82 DEGREES 22 MINUTES 26 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE SOUTH 07 DEGREES 37 MINUTES 34 SECONDS EAST, A DISTANCE OF 321.95 FEET TO A POINT;

THENCE NORTH 25 DEGREES 47 MINUTES 37 SECONDS WEST, A DISTANCE OF 48.11 FEET TO A POINT;

THENCE NORTH 07 DEGREES 37 MINUTES 34 SECONDS WEST, A DISTANCE OF 276.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 4486 SQUARE FEET.

PARCEL B

ALL THAT PART OF LOTS 23 AND 24 OF HAMPTON STATION PHASE 3 MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE NORTH BOUNDARY OF SAID LOT 24 WHICH IS LOCATED NORTH 71 DEGREES 19 MINUTES 21 SECONDS EAST, 30.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 24;

THENCE FROM THE POINT OF BEGINNING NORTH 71 DEGREES 19 MINUTES 21 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A POINT;

THENCE SOUTH 18 DEGREES 40 MINUTES 39 SECONDS EAST, A DISTANCE OF 78.10 FEET TO A POINT;

THENCE SOUTH 07 DEGREES 37 MINUTES 34 SECONDS EAST, A DISTANCE OF 82.61 FEET TO A POINT;

THENCE SOUTH 82 DEGREES 22 MINUTES 26 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT;

THENCE NORTH 07 DEGREES 37 MINUTES 34 SECONDS WEST, A DISTANCE OF 55.07 FEET TO A POINT;

THENCE NORTH 18 DEGREES 40 MINUTES 39 SECONDS WEST, A DISTANCE OF 102.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 2836 SQUARE FEET MORE OR LESS.

PARCEL C

ALL THAT PART OF LOT 26 OF HAMPTON STATION PHASE 3 MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE NORTH BOUNDARY OF SAID LOT 26 WHICH IS LOCATED NORTH 71 DEGREES 19 MINUTES 21 SECONDS EAST, 30.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 26;

THENCE FROM THE POINT OF BEGINNING NORTH 71 DEGREES 19 MINUTES 21 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A POINT;

THENCE SOUTH 18 DEGREES 40 MINUTES 39 SECONDS EAST, A DISTANCE OF 80.00 FEET TO A POINT;

THENCE SOUTH 71 DEGREES 19 MINUTES 21 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A POINT;

THENCE NORTH 18 DEGREES 40 MINUTES 39 SECONDS WEST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1600 SQUARE FEET MORE OR LESS.

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

IN WITNESS WHEREOF, the Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the ____ day of _____, 2013.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Charles E. Hagood, Clerk-Treasurer

By: _____
Tommy Battle, Mayor

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 CHARLES E. HAGOOD, whose names as Mayor and Clerk-Treasurer, respectively, of the CITY OF HUNTSVILLE, ALABAMA, a 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 voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the ____ day of _____, 2013.

Notary Public
My Commission Expires: _____

This instrument was prepared by:
MATTHEW R. HARRISON
HARRISON, GAMMONS & RAWLINSON, P.C.
2430 L&N Drive
Huntsville, AL 35801

Ordinance No. 13-_____ (Cont.)
Pearson Homes, Inc.

ADOPTED this the 28th day of March, 2013.

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

APPROVED this the 28th day of March, 2013.

Mayor of the City of
Huntsville, Alabama