

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 4/25/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Eminent domain proceedings for Downtown Gateway Improvement Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for fee simple title to certain rights-of-way and temporary construction easements on, over and upon certain parcels of land for the Downtown Gateway Improvement Project. (City Attorney)

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

Item to be considered for: Action

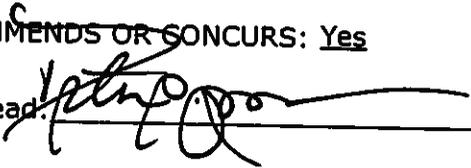
Unanimous Consent Required: No

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: 

Date: 4-22-13

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 fee simple title in and to certain rights-of-way and also obtain certain temporary construction easements on, over and upon the following described parcels of land, viz:

See Exhibits "A-1" through "F-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 Downtown Gateway Improvements Project, Project No. 65-11-RD03, 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 the properties and/or any other property related to said 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 said properties by the exercise of the right of eminent domain.

ADOPTED this the 25th day of April, 2013.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 25th day of April, 2013.

Tommy Battle
Mayor of the City of Huntsville, Alabama

LEGAL DESCRIPTION FOR TRACT

STATE OF ALABAMA
MADISON COUNTY

TRACT NO. 1 (RIGHT-OF-WAY)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING A PART OF THE LAND CONVEYED TO GOVERNORS DRIVE CLINIC, INC. AS RECORDED IN DEED BOOK 286 PAGE 306, IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LAND LOCATED ON THE NORTHERLY RIGHT-OF-WAY MARGIN OF GOVERNORS DRIVE (RIGHT-OF-WAY VARIES) HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD83) OF NORTHING: 1536202.88 AND EASTING: 430167.85; THENCE ALONG SAID MARGIN NORTH 89 DEGREES 12 MINUTES 33 SECONDS WEST A DISTANCE OF 59.57 FEET TO A POINT; THENCE LEAVING SAID MARGIN NORTH 1 DEGREE 11 MINUTES 43 SECONDS EAST A DISTANCE OF 495.01 TO A POINT; THENCE AROUND A CURVE TO THE RIGHT HAVING A RADIUS OF 1660.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 2 DEGREES 30 MINUTES 48 SECONDS EAST FOR 85.54 FEET TO A POINT LOCATED ON THE SOUTH RIGHT-OF-WAY MARGIN OF SAINT CLAIR AVENUE (50 FOOT RIGHT-OF-WAY); THENCE ALONG SAID MARGIN SOUTH 89 DEGREES 22 MINUTES 45 SECONDS EAST A DISTANCE OF 58.05 TO A POINT; THENCE LEAVING SAID MARGIN SOUTH 1 DEGREE 19 MINUTES 40 SECONDS WEST A DISTANCE OF 103.80 FEET TO A POINT; THENCE SOUTH 1 DEGREE 19 MINUTES 40 SECONDS WEST A DISTANCE OF 279.07 FEET TO A HEX HEAD; THENCE SOUTH 1 DEGREE 21 MINUTES 38 SECONDS WEST A DISTANCE OF 197.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.80 ACRES MORE OR LESS.

SUBJECT TO: ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 4SITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE
28th DAY OF June 2012

Kenneth J. Mills

KENNETH JOSEPH MILLS PLS #30352



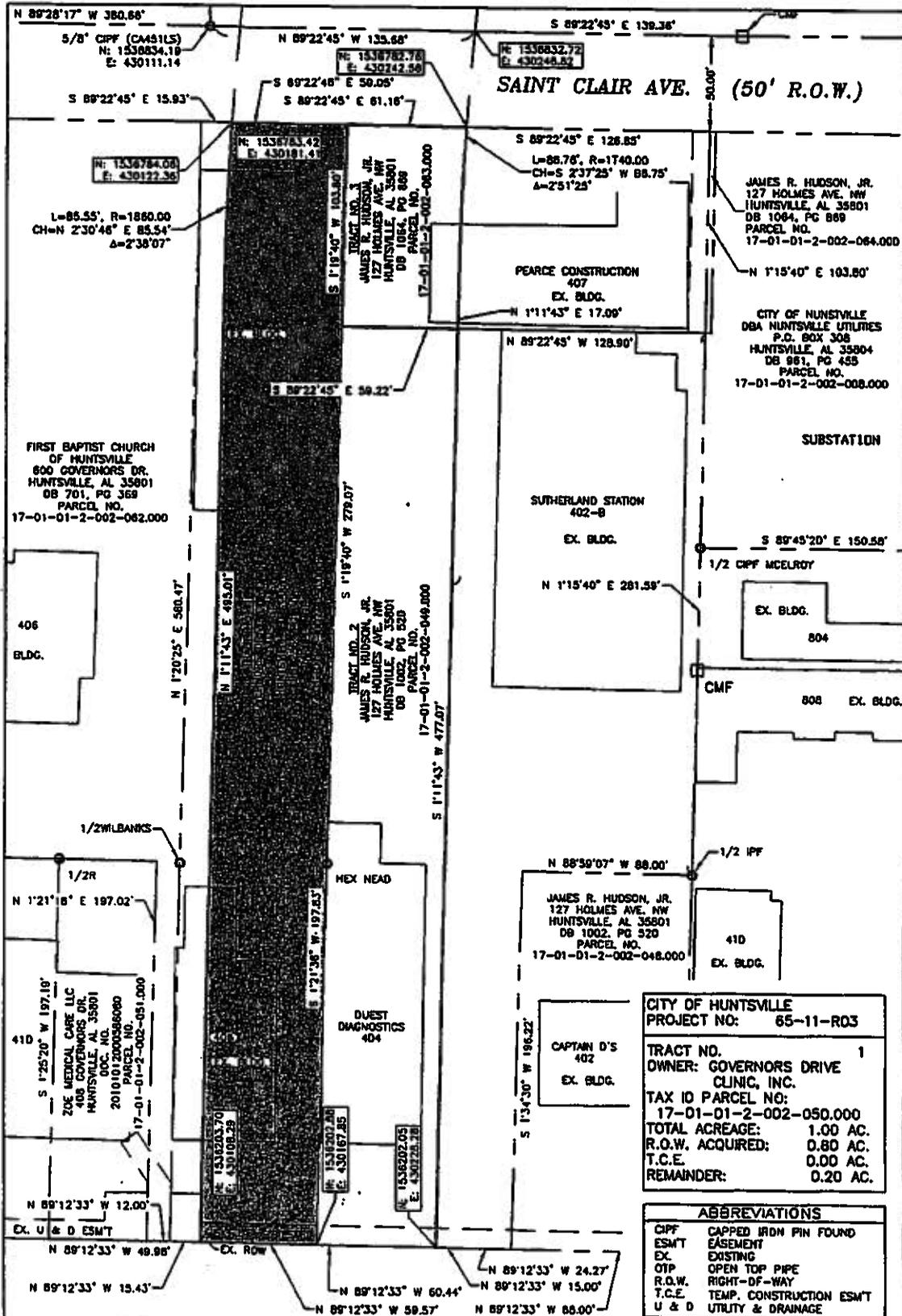
TRACT NO. 1 - R.O.W. ACQUISITION SURVEY
EXHIBIT "A"

JOB NO.: P-11049	DRAWN BY: WHC	REVISIONS: 2-13-12: REMOVED TEMP. CONSTR. ESM'TS
SCALE: AS NOTED	FIELD DATE: 12-29-11	
SHT. NO. 1 OF 2	OFFICE DATE: 1-5-12	6-28-12 ADD CERTIFICATE
	CHECKED BY: K. MILLS	
	DWG. NO.: P11040 SURVEY BASE.dwg	



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CITY OF HUNTSVILLE
PROJECT NO: 65-11-R03

TRACT NO. 1
OWNER: GOVERNORS DRIVE CLINIC, INC.
TAX ID PARCEL NO: 17-01-01-2-002-050.000
TOTAL ACREAGE: 1.00 AC.
R.O.W. ACQUIRED: 0.80 AC.
T.C.E. 0.00 AC.
REMAINDER: 0.20 AC.

ABBREVIATIONS

CIPF	CAPPED IRON PIN FOUND
ESMT	EASEMENT
EX	EXISTING
OTP	OPEN TOP PIPE
R.O.W.	RIGHT-OF-WAY
T.C.E.	TEMP. CONSTRUCTION ESMT
U & D	UTILITY & DRAINAGE

U.S. HWY 431/GOVERNORS DR.
TRACT NO. 1 - R.O.W. ACQUISITION SURVEY
EXHIBIT "B"

JOB NO.: P-11049	DRAWN BY: WHO	REVISIONS: 2-13-12: REMOVED TEMP. CONSTR. ESMT'S
SCALE: 1" = 60'	FIELD DATE: 12-29-11	
SHT. NO. 2 OF 2	OFFICE DATE: 1-9-12	DATE: 6-28-12
	CHECKED BY: K. MILLS	CERTIFICATE
	DWG. NO.: P11049 SURVEY BASE.DWG	



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LEGAL DESCRIPTION FOR TRACT

STATE OF ALABAMA
MADISON COUNTY

TRACT NO. 2 (RIGHT-OF-WAY)

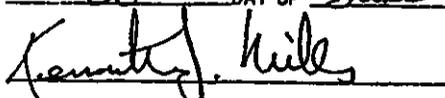
A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST MADISON COUNTY, ALABAMA AND BEING A PART OF THE LAND CONVEYED TO JAMES R. HUDSON, JR. AS RECORDED IN DEED BOOK 1002 PAGE 520, IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LAND LOCATED ON THE NORTHERLY RIGHT-OF-WAY MARGIN OF GOVERNORS DRIVE (RIGHT-OF-WAY VARIES) HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD83) OF NORTHING: 1536202.88 AND EASTING: 430167.85; THENCE LEAVING SAID MARGIN NORTH 1 DEGREES 21 MINUTES 36 SECONDS EAST A DISTANCE OF 197.83 FEET TO A HEX HEAD; THENCE NORTH 1 DEGREE 19 MINUTES 40 SECONDS EAST A DISTANCE OF 279.07 FEET TO A POINT; THENCE SOUTH 89 DEGREES 22 MINUTES 45 SECONDS EAST A DISTANCE OF 59.22 FEET TO A POINT; THENCE SOUTH 1 DEGREE 11 MINUTES 43 SECONDS WEST A DISTANCE OF 477.07 FEET TO A POINT OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF GOVERNORS DRIVE; THENCE ALONG SAID MARGIN NORTH 89 DEGREES 12 MINUTES 33 SECONDS WEST A DISTANCE OF 80.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.65 ACRES MORE OR LESS.

SUBJECT TO: ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 4SITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE
28th DAY OF JUNE 2012



KENNETH JOSEPH MILLS PLS #30352



TRACT NO. 2 - R.O.W. ACQUISITION SURVEY
EXHIBIT "A"

JOB NO.: P-11049	DRAWN BY: WHG	REVISIONS:
SCALE: AS NOTED	FIELD DATE: 12-29-11	2-13-12: REMOVED
SHT. NO.	OFFICE DATE: 1-5-12	TEMP. CONSTR. ESM'TS
1 OF 2	CHECKED BY: K. MILLS	8-28-12 ADD CERTIFICATE
	DWG. NO.: P11049 SURVEY BASE.dwg	

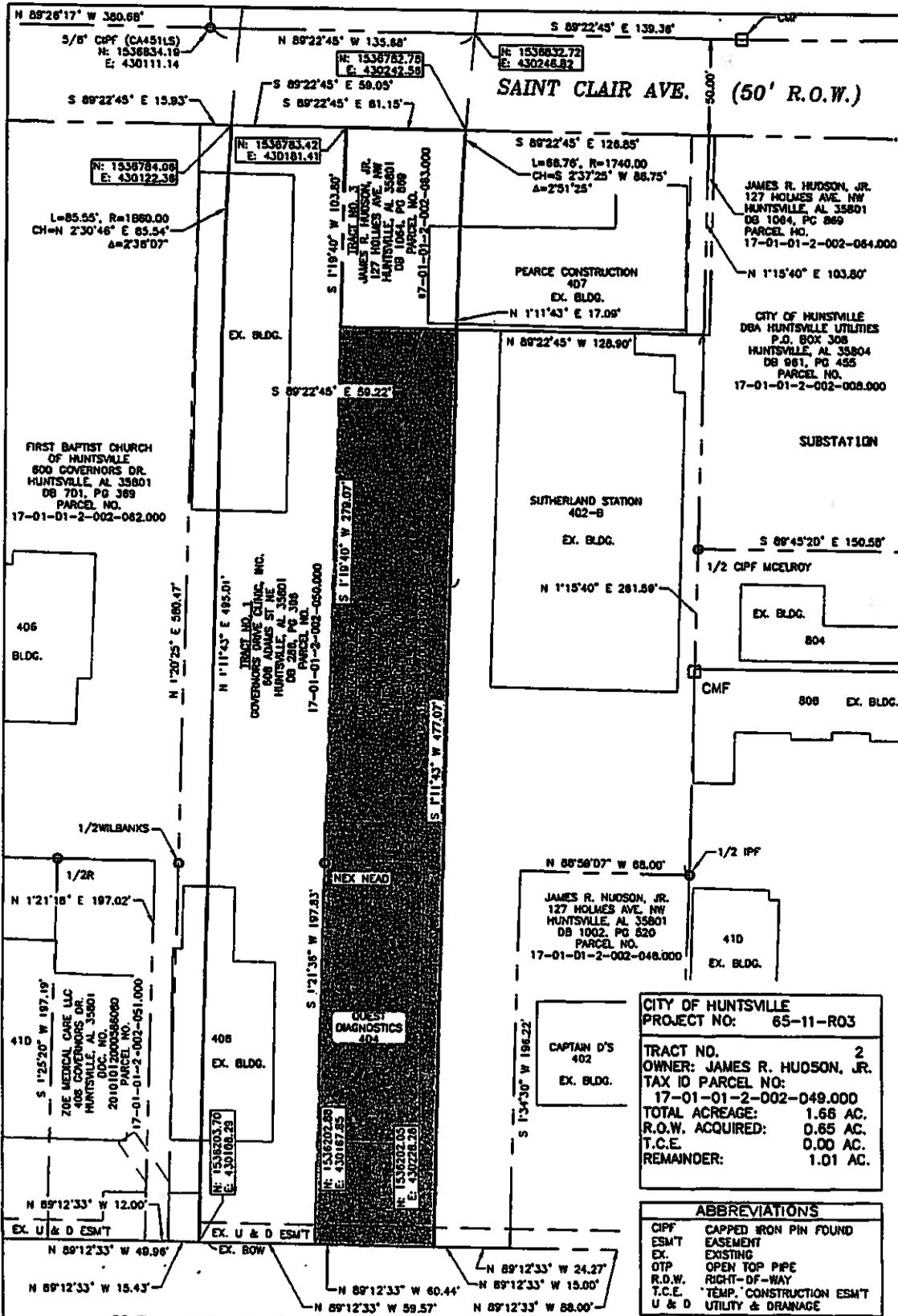




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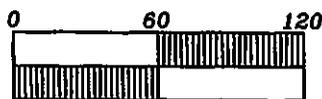
CITY OF HUNTSVILLE
PROJECT NO: 65-11-R03

TRACT NO. 2
OWNER: JAMES R. HUDSON, JR.
TAX ID PARCEL NO:
17-01-01-2-002-049.000
TOTAL ACREAGE: 1.66 AC.
R.O.W. ACQUIRED: 0.65 AC.
T.C.E. 0.00 AC.
REMAINDER: 1.01 AC.

ABBREVIATIONS

CIPF	CAPPED IRON PIN FOUND
ESM'T	EASEMENT
EX.	EXISTING
OTF	OPEN TOP PIPE
R.O.W.	RIGHT-OF-WAY
T.C.E.	TEMP. CONSTRUCTION ESM'T
U & D	UTILITY & DRAINAGE

U.S. HWY 431/GOVERNORS DR.
TRACT NO. 2 - R.O.W. ACQUISITION SURVEY
EXHIBIT "B"



JOB NO: P-11048	DRAWN BY: YHD	REVISIONS: 2-13-12: REMOVED TEMP. CONSTR. ESM'T'S
SCALE: 1" = 80'	FIELD DATE: 12-29-11	
SHT. NO. 2 of 2	OFFICE DATE: 1-9-12	6-28-12 ADD CERTIFICATE
	CHECKED BY: K. MILLS	<i>K. Mills</i>
	DWG. NO.: P11048 SURVEY BASE.DWG	



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LEGAL DESCRIPTION FOR TRACT

STATE OF ALABAMA
MADISON COUNTY

TRACT NO. 3 (RIGHT-OF-WAY)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING A PART OF THE LAND CONVEYED TO JAMES R. HUDSON, JR. AS RECORDED IN DEED BOOK 1084 PAGE 669, IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LAND LOCATED ON THE SOUTHERLY RIGHT-OF-WAY MARGIN OF SAINT CLAIR AVENUE (50 FOOT RIGHT-OF-WAY) HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD83) OF NORTHING: 1536783.42 AND EASTING: 430181.41; THENCE ALONG SAID MARGIN SOUTH 89 DEGREES 22 MINUTES 45 SECONDS EAST A DISTANCE OF 61.15 FEET TO A POINT; THENCE LEAVING SAID MARGIN AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 1740.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 2 DEGREES 37 MINUTES 25 SECONDS WEST FOR 86.75 FEET TO A POINT; THENCE SOUTH 1 DEGREE 11 MINUTES 43 SECONDS WEST A DISTANCE OF 17.09 FEET TO A POINT; THENCE NORTH 89 DEGREES 22 MINUTES 45 SECONDS WEST A DISTANCE OF 59.22 FEET TO A POINT; THENCE NORTH 1 DEGREE 19 MINUTES 40 SECONDS EAST A DISTANCE OF 103.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.14 ACRES MORE OR LESS.

SUBJECT TO: ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 4SITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE

28th DAY OF July, 2012

Kenneth J. Mills

KENNETH JOSEPH MILLS PLS #30352



TRACT NO. 3 - R.O.W. ACQUISITION SURVEY

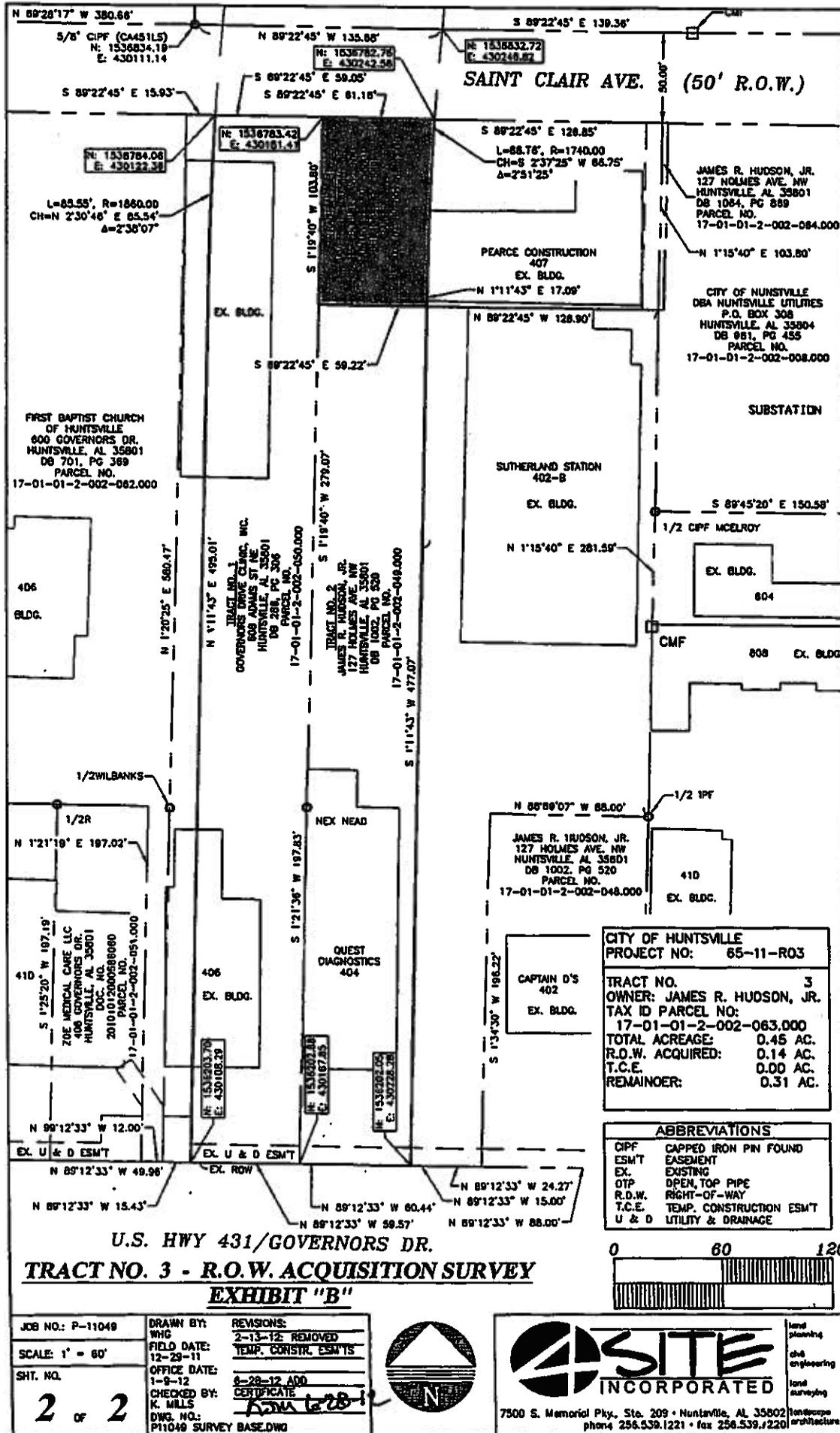
EXHIBIT "A"

JOB NO.: P-11049	DRAWN BY: WHO	REVISIONS: 2-13-12: REMOVED
SCALE: AS NOTED	FIELD DATE: 12-29-11	TEMP. CONSTR. ESN/TS
SHT. NO.	OFFICE DATE: 1-5-12	8-28-12 ADD
1 OF 2	CHECKED BY: K. MILLS	CERTIFICATE
	DWG. NO.: P11049 SURVEY BASE.dwg	



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**U.S. HWY 431/GOVERNORS DR.
TRACT NO. 3 - R.O.W. ACQUISITION SURVEY
EXHIBIT "B"**

**CITY OF HUNTSVILLE
PROJECT NO: 65-11-R03**

TRACT NO. 3
OWNER: JAMES R. HUDSON, JR.
TAX ID PARCEL NO:
17-01-01-2-002-063.000
TOTAL ACREAGE: 0.45 AC.
R.O.W. ACQUIRED: 0.14 AC.
T.C.E. 0.00 AC.
REMAINDER: 0.31 AC.

ABBREVIATIONS

CIPF	CAPPED IRON PIN FOUND
ESM'T	EASEMENT
EX.	EXISTING
OTF	OPEN, TOP PIPE
R.O.W.	RIGHT-OF-WAY
T.C.E.	TEMP. CONSTRUCTION ESM'T
U & D	UTILITY & DRAINAGE

JOB NO.: P-11049	DRAWN BY: WHC	REVISIONS: 2-13-12: REMOVED TEMP. CONSTR. ESM'TS
SCALE: 1" = 60'	FIELD DATE: 12-29-11	
SHT. NO. 2 OF 2	OFFICE DATE: 1-9-12	4-28-12 ADD CERTIFICATE <i>Kana 12/28/11</i>
	CHECKED BY: K. MILLS	
	DWG. NO.: P11049 SURVEY BASE.DWG	



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LEGAL DESCRIPTION FOR TRACT AND EASEMENT

STATE OF ALABAMA
MADISON COUNTY

TRACT NO. 6 (RIGHT-OF-WAY)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH CAPPED IRON PIN (STAMPED CA 451LS) MARKING THE SOUTHEAST CORNER OF BLOCK 24 OF URBAN RENEWAL PROJECT ALA R-32 BIG SPRING AREA SUBDIVISION AS SHOWN ON SHEET 2 OF PLAT RECORDED IN PLAT BOOK 6, PAGES 22-25 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA AND LYING ON THE NORTH RIGHT-OF-WAY MARGIN OF PELHAM AVENUE, SAID POINT OF BEGINNING HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF NORTHING: 1537251.73 AND EASTING: 430023.84; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 364.44 FEET, AN ARC LENGTH OF 80.37 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 43 MINUTES 12 SECONDS WEST, 80.21 FEET TO A 1/2 INCH REBAR; THENCE NORTH 59 DEGREES 14 MINUTES 52 SECONDS WEST, 20.17 FEET TO A 5/8 INCH REBAR; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 429.53 FEET, AN ARC LENGTH OF 154.02 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 37 DEGREES 55 MINUTES 24 SECONDS WEST, 153.20 FEET TO A POINT; THENCE SOUTH 56 DEGREE 12 MINUTES 47 SECONDS EAST, 18.69 FEET TO A POINT; THENCE SOUTH 52 DEGREE 02 MINUTES 48 SECONDS EAST, 74.26 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 277.00 FEET, AN ARC LENGTH OF 129.30 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 65 DEGREES 26 MINUTES 02 SECONDS EAST, 128.13 FEET TO A POINT; THENCE SOUTH 01 DEGREES 27 MINUTE 00 SECONDS EAST, 10.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.11 ACRES, MORE OR LESS.

SUBJECT TO: ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

TEMPORARY CONSTRUCTION EASEMENT

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CAPPED IRON PIN (STAMPED 17254) LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF FAGAN CREEK (RIGHT-OF-WAY VARIES) HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF NORTHING: 1537558.63 AND EASTING: 430016.12; THENCE, ALONG SAID RIGHT-OF-WAY MARGIN, SOUTH 1 DEGREE 27 MINUTES 00 SECONDS EAST, 26.18 FEET TO THE POINT OF BEGINNING; THENCE, LEAVING SAID RIGHT-OF-WAY MARGIN, SOUTH 1 DEGREE 27 MINUTES 00 SECONDS EAST, 70.00 FEET TO A POINT; THENCE NORTH 34 DEGREES 21 MINUTES 47 SECONDS WEST, 91.22 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY MARGIN OF FAGAN CREEK; THENCE SOUTH 83 DEGREES 53 MINUTES 24 SECONDS EAST, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1735 SQUARE FEET), MORE OR LESS.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 4SITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE
14th DAY OF January, 2013.

Kenneth J. Mills

KENNETH JOSEPH MILLS PLS #30352

TRACT NO. 6 - R.O.W. ACQUISITION SURVEY

EXHIBIT "A"



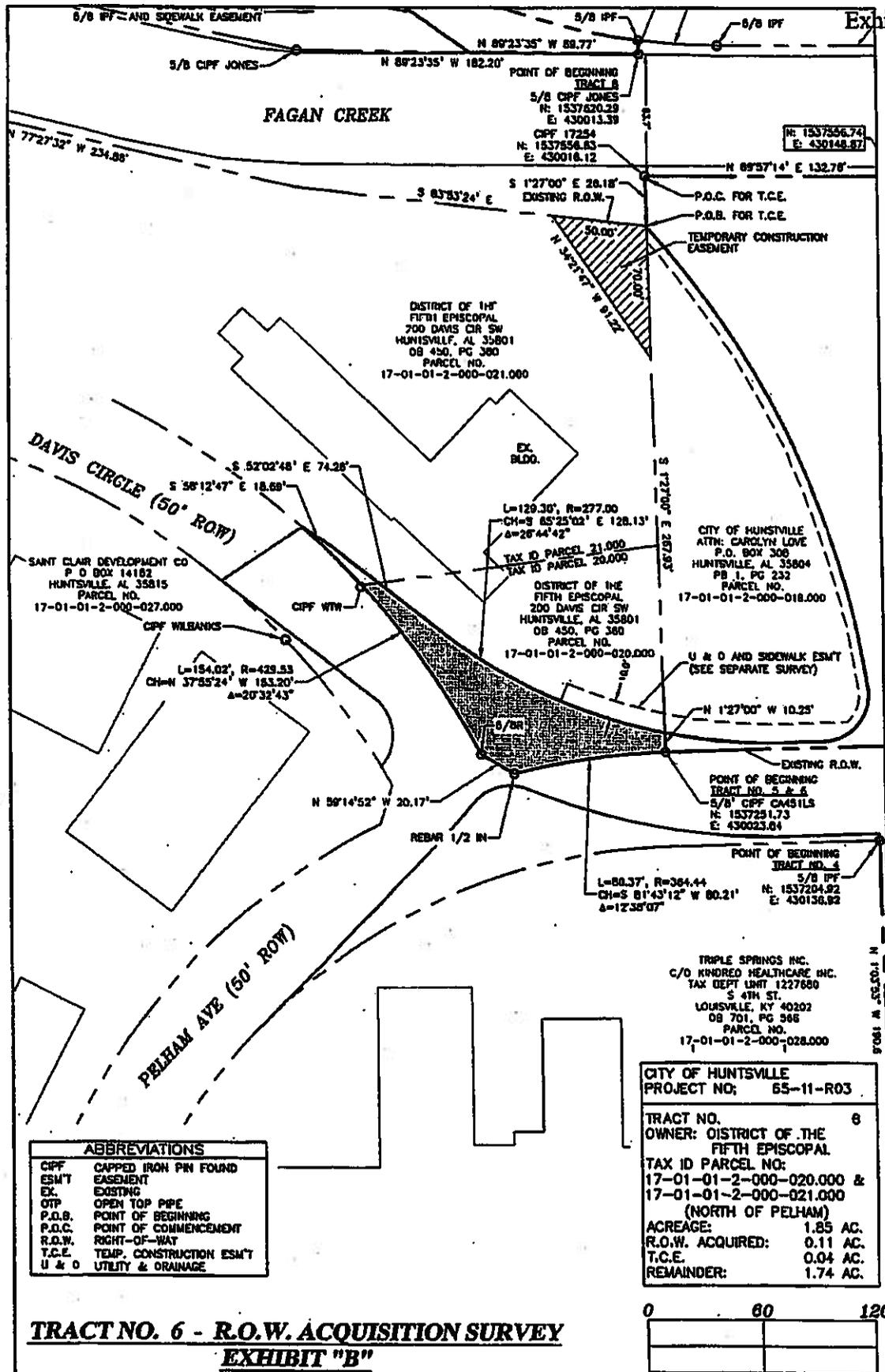
JOB NO.: 11-049	DRAWN BY: WHO/AJE	REVISIONS:
SCALE: AS NOTED	FIELD DATE: 12-29-11	8-28-12 ADD CERT.
SHT. NO.	OFFICE DATE: 3-12-12	1-14-13: ADD MISSING T.O.K. DESCRIP.
1 of 2	CHECKED BY: K. MILLS	
	DWG. NO. 111049 SURVEY BASE.dwg	



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ABBREVIATIONS	
CIFF	CAPPED IRON PIN FOUND
ESM'T	EASEMENT
EX.	EXISTING
OTF	OPEN TOP PIPE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
R.O.W.	RIGHT-OF-WAY
T.C.E.	TEMP. CONSTRUCTION ESM'T
U & O	UTILITY & DRAINAGE

TRIPLE SPRINGS INC.
 C/O KINDRED HEALTHCARE INC.
 TAX DEPT UNIT 1227680
 S 4TH ST.
 LOUISVILLE, KY 40202
 DB 701, PG 566
 PARCEL NO.
 17-01-01-2-000-028.000

CITY OF HUNTSVILLE
 PROJECT NO: 65-11-R03

TRACT NO. 6
 OWNER: DISTRICT OF THE FIFTH EPISCOPAL
 TAX ID PARCEL NO:
 17-01-01-2-000-020.000 &
 17-01-01-2-000-021.000
 (NORTH OF PELHAM)
 ACREAGE: 1.85 AC.
 R.O.W. ACQUIRED: 0.11 AC.
 T.C.E. 0.04 AC.
 REMAINDER: 1.74 AC.

TRACT NO. 6 - R.O.W. ACQUISITION SURVEY
EXHIBIT "B"

JOB NO.: 11-049	DRAWN BY: WHO/A.E.	REVISIONS: 6-28-12 ADD CERT.
SCALE: 1" = 60'	FIELD DATE: 12-28-11	1-14-13 CORRECT OWNER & T.C.E. LABELS
SHT. NO. 2 of 2	OFFICE DATE: 3-12-12	CHECKED BY: K. MILLS
	DATE: 3-12-12	DWG. NO.: P11049 SURVEY BASE.DWG



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LEGAL DESCRIPTION FOR TRACT AND EASEMENT

STATE OF ALABAMA
MADISON COUNTY

TRACT NO. 8 (RIGHT-OF-WAY)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON PIN, SAID POINT OF BEGINNING HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF NORTHING: 1037820.28 AND EASTING: 430013.39; THENCE NORTH 88 DEGREES 22 MINUTES 35 SECONDS WEST, 88.77 FEET TO A POINT; THENCE NORTH 55 DEGREES 03 MINUTES 35 SECONDS WEST, 74.47 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 372.00 FEET, AN ARC LENGTH OF 381.08 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 16 DEGREES 57 MINUTES 01 SECONDS WEST, 355.59 FEET TO A POINT; THENCE NORTH 18 DEGREES 50 MINUTES 22 SECONDS WEST, 189.38 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 218.85 FEET, AN ARC LENGTH OF 186.78 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 31 DEGREES 31 MINUTES 07 SECONDS EAST, 93.88 FEET TO A POINT; THENCE SOUTH 19 DEGREES 31 MINUTES 35 SECONDS EAST, 213.00 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 548.49 FEET, AN ARC LENGTH OF 317.33 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 35 DEGREES 35 MINUTES 35 SECONDS EAST, 312.92 FEET TO A POINT; THENCE SOUTH 52 DEGREES 55 MINUTE 35 SECONDS EAST, 14.07 FEET TO A 5/8 INCH CAPPED PIN (STAMPED JONES); THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 327.70 FEET, AN ARC LENGTH OF 180.90 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 68 DEGREES 44 MINUTES 16 SECONDS EAST, 158.28 FEET TO A 3/8 INCH PIN; THENCE SOUTH 01 DEGREE 30 MINUTE 35 SECONDS EAST, 7.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.51 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF ASITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE 28TH DAY OF JUNE, 2012

Kenneth Mills
KENNETH JOSEPH MILLS #13 #30352



TRACT NO. 8 - R.O.W. ACQUISITION SURVEY
EXHIBIT "A"

JOB NO.: P-11048	DRAWN BY: J.E.	REVISIONS:
SCALE: AS NOTED	FIELD DATE: 12-29-11	
BY: J.E.	OFFICE DATE: 6-28-12	
1. 2	CHECKED BY: J.MILLS	
	DWG. NO.: P11048 SURVEY BASE.DWG	



ASITE
INCORPORATED

2500 N. University Pkwy., Ste. 209 • Huntsville, AL 35892
Phone: 256-536-1221 • Fax: 256-536-1220

LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT

STATE OF ALABAMA
MADISON COUNTY

EASEMENT A (TEMPORARY CONSTRUCTION EASEMENT)

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 1 WEST, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON PIN AT THE SOUTHEASTERN MOST CORNER OF PARK PLAZA RECORDED IN PLAT BOOK 10 PAGES 24-27 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY ALABAMA, ALSO BEING THE POINT OF BEGINNING HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD 83) OF NORTHING:1537719.08 AND EASTING:429979.02; THENCE FROM SAID POINT OF BEGINNING ALONG A CURVE TO THE RIGHT ON THE NORTH RIGHT-OF-WAY MARGIN OF LOWE AVENUE HAVING A RADIUS OF 257.85 FEET, AN ARC LENGTH OF 44.21 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 88 DEGREES 22 MINUTES 15 SECONDS WEST, 44.16 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 37 DEGREES 50 MINUTES 50 SECONDS EAST, 53.21 FEET TO A POINT; THENCE SOUTH 53 DEGREES 6 MINUTES 28 SECONDS EAST, 42.57 FEET TO A POINT; THENCE SOUTH 37 DEGREES 31 MINUTES 13 SECONDS WEST, 43.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2084 SQUARE FEET), MORE OR LESS.

SUBJECT TO: ANY EASEMENTS, RESTRICTIONS OR RIGHTS-OF-WAY WHICH MAY OR MAY NOT BE OF RECORD.

I, KENNETH JOSEPH MILLS, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 4SITE, INC. HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE

20th DAY OF JULY, 2012

Kenneth J. Mills

KENNETH JOSEPH MILLS PLS #30352

EASEMENT A - EASEMENT ACQUISITION SURVEY

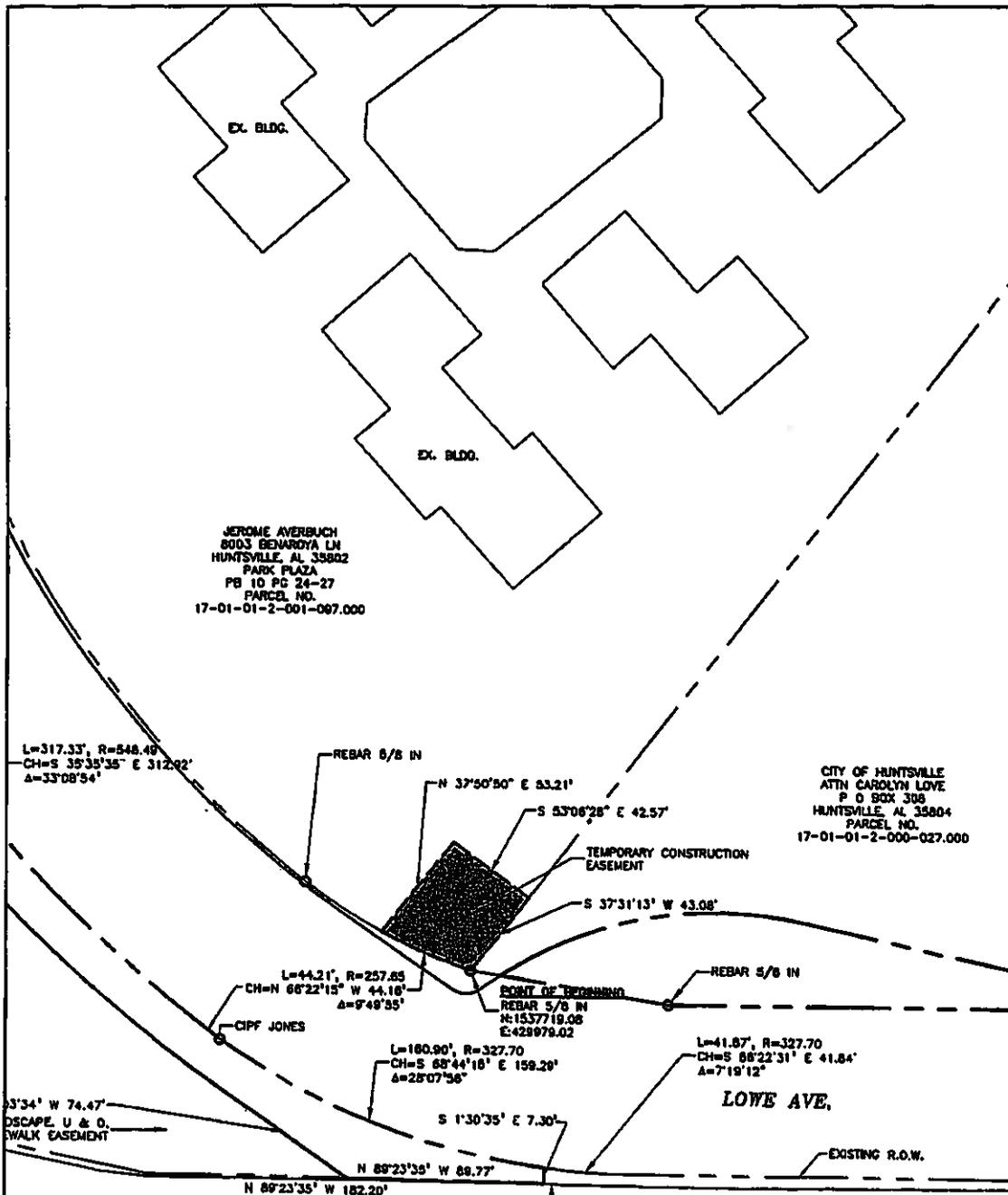
EXHIBIT "A"

JOB NO.: P-11048	DRAWN BY: AJE	REVISIONS:
SCALE: AS NOTED	FIELD DATE: 12-29-11	_____
SHT. NO.	OFFICE DATE: 7-17-12	_____
1 OF 2	CHECKED BY: K. MILLS	_____
	DWG. NO.: P11048 SURVEY BASE.dwg	_____



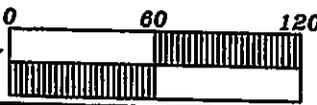
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CITY OF HUNTSVILLE
PROJECT NO: 65-11-R03
EASEMENT A
OWNER: JEROME AVERBUCH
TAX ID PARCEL NO:
17-01-01-2-001-007,000
EASEMENT ACQUIRED: 0.05 AC.

ABBREVIATIONS	
CIPF	CAPPED IRON PIN FOUND
ESMT	EASEMENT
EX.	EXISTING
OTP	OPEN TOP PIPE
R.O.W.	RIGHT-OF-WAY
T.C.E.	TEMP. CONSTRUCTION ESMT
U & O	UTILITY & DRAINAGE



EASEMENT A - EASEMENT ACQUISITION SURVEY.
EXHIBIT "B"

JOB NO.: P-11049	DRAWN BY: A/E	REVISIONS:
SCALE: 1" = 60'	FIELD DATE: 12-29-11	
SHT. NO.	OFFICE DATE: 7-17-12	
2 of 2	CHECKED BY: K. HILLS	
	DWG. NO.: P11049 SURVEY BASE.DWG	



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