

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 portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that George J. King and wife, Shannon L. King, are the owners 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    )

**JOINT SURVIVORSHIP QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One and 00/100 (\$1.00) Dollar and other good and valuable considerations to **City of Huntsville, a Municipal Corporation within the State of Alabama**, (Grantor), in hand paid by **George J. King and Shannon L. King**, (Grantees), as joint tenants, with right of survivorship, the receipt of which is hereby acknowledged, the said Grantor hereby remises, releases, quitclaims and conveys unto the said Grantees, all of said Grantor's right, title, interest and claim, in and to the following described real estate, situated in Madison County, Alabama, to-wit:

See Exhibits 1 & 2 attached.

TO HAVE AND TO HOLD, the above described lot or parcel of land, together with all and singular the rights, tenements, hereditaments, appurtenances and improvements thereunto belonging, or in anywise appertaining, unto the said Grantees, as joint tenants, with right of survivorship, their heirs, executors, personal representatives and assigns forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the Grantees herein), in the event one Grantee herein survives the other, the entire interest shall pass to the surviving Grantee, and if one Grantee does not survive the other, then the heirs and assigns of the Grantees herein shall take as tenants in common.

IN TESTIMONY WHEREOF, the Grantor has caused this instrument to be executed by **Its Mayor and attested by its Clerk-Treasurer** and for and as the act of said Municipal Corporation, on the 26th day of September, 2013.

Attest: \_\_\_\_\_  
**Corporation Charles E. Hagood as  
Clerk-Treasurer of City of Huntsville  
a Municipal Corporation within  
the State of Alabama**

**City of Huntsville, a Municipal  
Corporation within the State of Alabama**

\_\_\_\_\_  
**By: Tommy Battle  
Its Mayor**

STATE OF ALABAMA     )  
COUNTY OF MADISON    )

I, the undersigned, a Notary Public in and for said State at Large, hereby certify that **Tommy Battle and Charles E. Hagood**, whose names, as **Mayor and Clerk-Treasurer**, respectively, of the **City of Huntsville**, a **municipal Corporation within the State of Alabama**, 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 said instrument, and that they as said officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, a Municipal Corporation with the State and they, freely and voluntarily executed said instrument for, and as the act of said Municipal Corporation.

Given under my hand and official seal of office this the 26th day of September, 2013.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

**Grantor's Name and mailing address:**

City of Huntsville  
Tommy Battle, Mayor  
308 Fountain Circle  
8<sup>th</sup> Floor  
Huntsville, AL 35801

**Grantee's Name and mailing address:**

George J. King and Shannon L. King  
11621 Warrington Court  
Parker, CO 80138

**Property address:**

2500 Hicks Avenue  
Huntsville, AL 35805

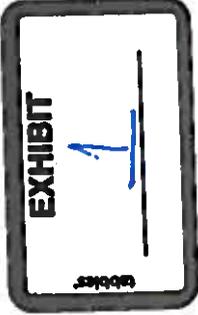
**Date of Sale:** \_\_\_\_\_, 2013

**Total Purchase Price: ZERO**

**Deed is being recorded to vacate easements**

**THIS INSTRUMENT PREPARED BY:**

Douglas C. Martinson, Esq.  
Martinson & Beason, P.C.  
115 North Side Square  
Huntsville, Alabama 35801-4822  
(256) 533-1667  
File No.: 1168201



The purpose of this drawing/map is to show the portion of the easement that is being vacated by the City of Huntsville and being granted to the present owner of property. This drawing/map is a sketch map only and not a survey.

No part of this drawing / map may be copied, added to, altered or reproduced by any means without written permission from The Atlantic Group, LLC.

This survey / map / drawing is not valid unless signed by wet signature and sealed with original embossed or original stamped ink seal.

This survey reflects North as being assumed North based on a deed or plat bearing unless otherwise noted.

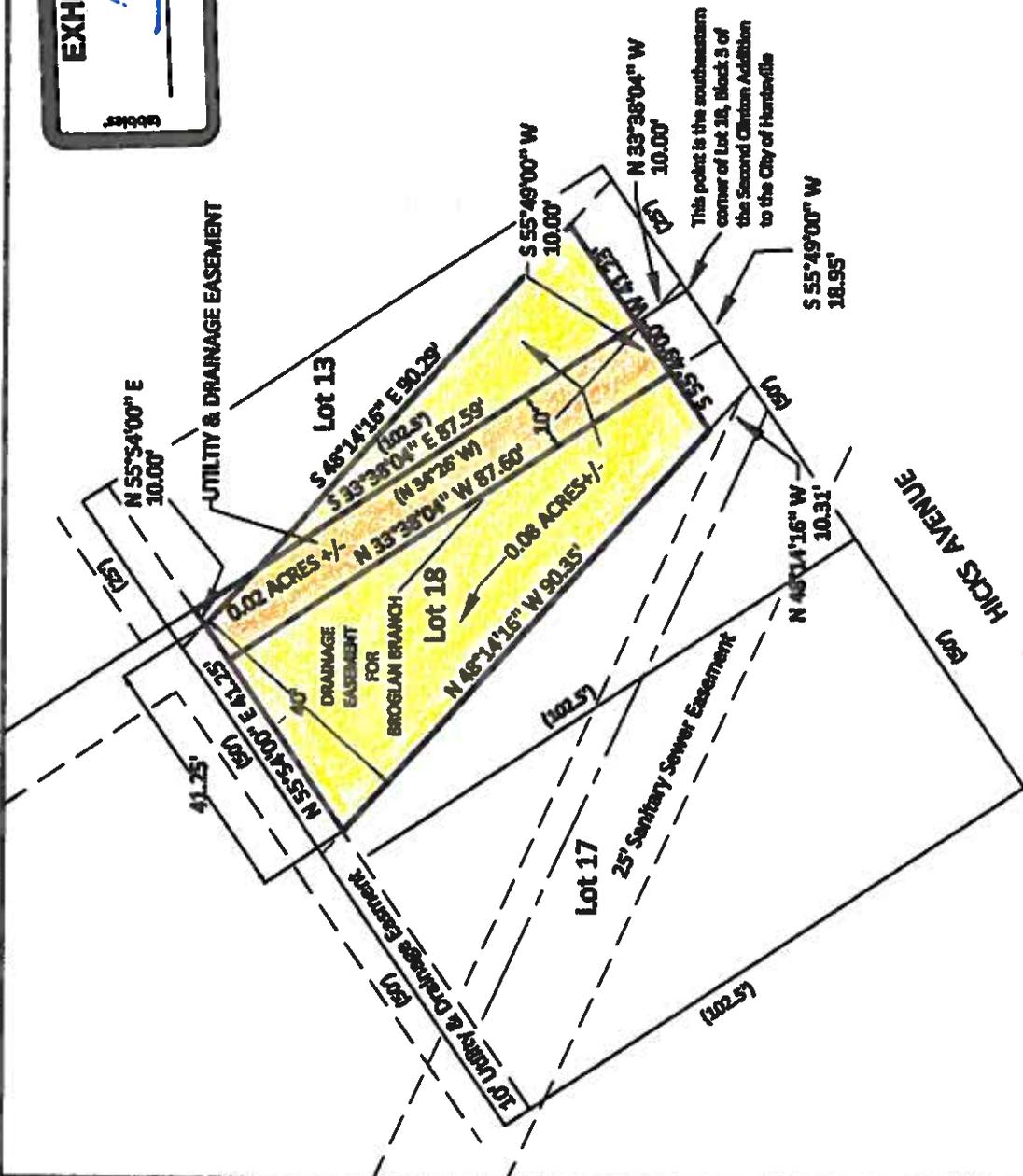
This survey / map / drawing has been performed by me or under my direct supervision.

No liability is assumed by the surveyor or The Atlantic Group, LLC for loss relating to any matter that might be discovered by an abstract, title search, or other documents. The acceptance of this survey by client is hereby limit the tort or liability from any cause of action arising hereto an amount not to exceed the fee charged.



H. Alan Kimbrough, P.L.S.  
 Alabama License No. 21780

Easement Vacation Sketch Map of the  
 Shelly S. Wright Property  
 25' of Lot 13, Block 1 of  
 Clinton Addition to the City of Huntsville &  
 Lot 17 and Lot 18, Block 3 of the Second  
 Clinton Addition to the City of Huntsville  
 Madison County, Alabama



Revisions:	1"-30"
Drawing Scale:	19-508
Drawing File:	9-4-13
Drawing Date:	
Field Survey Date:	
Field Data File:	
Signature Date:	9-4-13

Property Owner:  
**Shelly S. Wright**  
 116 Parton Drive  
 Huntsville, AL 35811

2723 Drake Avenue SW, Suite 200  
 Huntsville, AL 35805  
 P: 256.971.9981 F: 256.971.1154



**Description for a 10 foot wide Utility and Drainage Easement Vacation**

All that part of Lot 18, Block 3 of the Second Clinton Addition to the City of Huntsville, Alabama as recorded in the Office of the Judge of Probate Court, Madison County, Alabama in Plat Book 1, Page 201; more particularly described as being located 10 feet southwest of the northeastern boundary of said Lot 18; further described as beginning at the southeast corner of said Lot 18; thence North 33 degrees 38 minutes 04 seconds West and along the northeastern boundary of said Lot 18 a distance of 10.00 feet to the true point of beginning; thence from the true point of beginning, South 55 degrees 49 minutes 00 seconds West and parallel to the right of way of Hicks Avenue a distance of 10.00 feet; thence North 33 degrees 38 minutes 04 seconds West and parallel to the northeastern boundary of said Lot 18 a distance of 87.60 feet; thence North 55 degrees 54 minutes 00 seconds East and parallel to the northwestern boundary of said Lot 18 and along the southeastern boundary of a 10 foot utility and drainage easement a distance of 10.00 feet to a point on the northeastern boundary of said Lot 18; thence South 33 degrees 38 minutes 04 seconds East and along the northeastern boundary of said Lot 18 a distance of 87.59 feet to the true point of beginning and containing 0.02 acres more or less.

**Description for a 40 foot wide easement for Broglan Branch**

All that part of Lot 18, Block 3 of the Second Clinton Addition to the City of Huntsville, Alabama as recorded in the Office of the Judge of Probate Court, Madison County, Alabama in Plat Book 1, Page 201 and all that part of the west 25 feet of Lot 13, Block 1 of the First Clinton Addition to the City of Huntsville, Alabama as recorded in the Office of the Judge of Probate Court, Madison County, Alabama in Plat Book 1, Page 200; more particularly described as being a 40 foot wide easement for Broglan Branch as it crosses Lot 18, Block 3 of said Second Clinton Addition to the City of Huntsville and the west 25 feet of Lot 13, Block 1 of said First Clinton Addition to the City of Huntsville; further described as beginning at the southeast corner of said Lot 18; thence North 55 degrees 49 minutes 00 seconds West and along the southern boundary of said Lot 18 and along the north right-of-way for Hicks Avenue a distance of 18.95 feet; thence North 48 degrees 14 minutes 16 seconds West 10.31 feet to the point of true beginning; thence from the true point of beginning, North 48 degrees 14 minutes 16 seconds West a distance of 90.35 feet; thence North 55 degrees 54 minutes 00 seconds East and along the southeastern boundary of a 10 foot utility and drainage easement a distance of 41.25 feet; thence South 48 degrees 14 minutes 16 seconds East a distance of 90.29 feet to a point that is northwest 10 feet from the right-of-way for Hicks Avenue; thence South 55 degrees 49 minutes 00 seconds West and parallel to the right-of-way for Hicks Avenue a distance of 41.23 feet to the point of true beginning and containing 0.08 acres more or less. The intent of the above described tract is to describe the original location of Broglan Branch before it was relocated to its existing position when the Second Clinton Addition to the City of Huntsville, Alabama plat was recorded in the Office of the Judge of Probate Court in Plat Book 1, Page 201 excepting 10 feet northwest of the right-of-way for Hicks Avenue and 5 feet southeast of the Northwest boundary line of said Lot 17 and Lot 18.

  
H. Alan Kimbrough, P.L.S.  
Alabama License Number 21780



Date

Ordinance No. 13-\_\_\_\_\_ (Cont.)  
King, George J. and Shannon L.

ADOPTED this the 26th day of September, 2013.

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

APPROVED this the 26th day of September, 2013.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama