

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 11/7/2013

Action Requested By:  
Legal

Agenda Item Type  
Ordinance

Subject Matter:

Conveying property to the Board of Education.

Exact Wording for the Agenda:

Ordinance declaring approximately 2.26 acres of property at Fern Bell Park as surplus and no longer needed for a municipal purpose and conveying it to the Huntsville City Board of Education for the purpose of relocating Whitesburg School.

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

Item to be considered for: Action

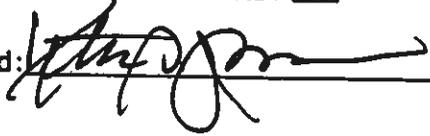
Unanimous Consent Required: Yes

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: 11-1-13

ORDINANCE NO. 13-\_\_\_\_\_

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that the property described on the Statutory Warranty Deed attached hereto, is hereby declared surplus.

BE IT FURTHER ORDAINED that the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute Statutory Warranty Deed to the Huntsville City Board of Education, a political subdivision of the State of Alabama, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA )  
 )  
COUNTY OF MADISON )

**STATUTORY WARRANTY DEED**

THIS STATUTORY WARRANTY DEED is made and entered into on this the \_\_\_\_ day of \_\_\_\_\_, 2013, by and between CITY OF HUNTSVILLE, ALABAMA, a municipal corporation within the State of Alabama, as Grantor, and HUNTSVILLE CITY BOARD OF EDUCATION, a political subdivision of the State of Alabama, as Grantee.

**WITNESSETH:**

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, this day in hand paid to the Grantor by the Grantee, the receipt and sufficiency of which is hereby expressly acknowledged by the Grantor, the Grantor has this day granted, bargained, sold and conveyed, and does, by these presents, grant, bargain, sell and convey, unto the Grantee, the following-described tract or parcel of real property situated and lying and being in the County of Madison, State of Alabama, to-wit:

Beginning at an iron pin on the Northwest corner of the intersection of Whitesburg Drive and Martin Road; said point is further described as being South 4 degrees 58 minutes East 1368.20 feet, North 5 degrees 15 minutes West 25.08 feet and North 89 degrees 30 minutes West 754.16 feet from the center of Section 19, Township 4 South, Range 1 East; thence from the point of true beginning run South 88 degrees 58 minutes West along the North right-of-way of Martin Road 200.80 feet to a point; thence North 4 degrees 58 minutes West 482.60 feet to a point; thence North 85 degrees 02 minutes East 200.0 feet to a point on the West right-of-way of Whitesburg Drive; thence South 4 degrees 58 minutes East along said right-of-way 500.50 feet to the point of beginning, containing 2.26 acres, more or less.

SOURCE OF TITLE: Deed Book 416, Page 318, Probate Records of Madison County, Alabama.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, the above-described tract or parcel of real property forever.

The Grantor makes no agreement, covenant, representation, or warranty respecting the nature or the quality of the title to the above-described and herein conveyed tracts or parcels of real property other than that the Grantor has neither permitted nor suffered any lien, encumbrance or adverse claim to said tracts or parcels of real property since the date of acquisition thereof by the Grantor.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by Tommy Battle, its Mayor, who is duly authorized, and has caused the same to be attested by Charles E. Hagood, its Clerk-Treasurer, and its Corporate Seal affixed, on the day and year first above written.

**CITY OF HUNTSVILLE,**  
a municipal corporation within the State of Alabama

ATTEST:

\_\_\_\_\_  
Charles E. Hagood  
City Clerk-Treasurer

By: \_\_\_\_\_ (Seal)  
Tommy Battle  
Its: Mayor



STATE OF ALABAMA )  
  :  
COUNTY OF MADISON )

I, the undersigned, a Notary Public in and for said County and State, hereby certify that TOMMY BATTLE and CHARLES E. HAGOOD, whose names as Mayor and City-Clerk Treasurer, respectively, of the City of Huntsville, a municipal corporation in the State of Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, a municipal corporation within the State of Alabama.

Given under my hand this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_(Seal)  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

This instrument prepared by:  
Y. Albert Moore, III  
Lanier Ford Shaver & Payne P.C.  
2101 West Clinton Avenue  
Suite 102  
Huntsville, Alabama 35805  
(256) 535-1100

Whitesburg

S:\YAM\City of Huntsville\Schools\Whitesburg Deed.doc

Ordinance No. 13-\_\_\_\_\_ (Cont.)  
Huntsville City Board of Education

ADOPTED this the 7th day of November, 2013.

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

APPROVED this the 7th day of November, 2013.

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