

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 1/9/2014

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Condemnation of property for WPC Relocation Project at County Line.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute condemnation proceedings to acquire sanitary sewer easements and temporary construction easements for the WPC Relocation Project at County Line.

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.

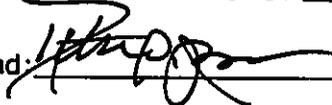
[Empty box for additional information]

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____



Date: 12-27-13

RESOLUTION NO. 14-_____

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 certain sanitary sewer easements and temporary construction easements on, under, over, along and upon the following described parcels of land, viz:

See Exhibits "A-1" through "D-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 easements is necessary for the WPC FM Relocation County Line Road & I-565 Project, Project No. 65-12-SM01, 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 properties 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 the taking(s).

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 easements 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 easements pursuant to the eminent domain code are hereby ratified.

6. That in case of failure to acquire said easements 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 easements by the exercise of the right of eminent domain.

ADOPTED this the 9th day of January, 2014.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 9th day of January, 2014.

Tommy Battle
Mayor of the City of Huntsville,
Alabama



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Exhibit "A-1"

STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA - WPC FM RELOCATION COUNTY LINE ROAD & I-565,
SANITARY SEWER EASEMENT ACQUISITION - Reference Plat 1:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 35, Township 4 South, Range 3 West, of the Huntsville Meridian.

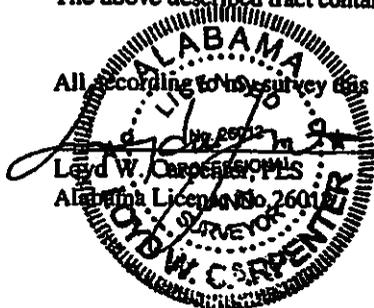
Said tract being a portion of that property conveyed to Barbara Ann Hughes Spencer in Deed Book 625, Page 149 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

Commencing at a #6 rebar found at the northeast corner of Section 35, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 01 Degrees 48 Minutes 49 Seconds West a distance of 165.32 feet to a #5 rebar with a cap stamped "Garver Engineers CA#445" (typical) set on the north right-of-way of Joe Wheeler Highway (I-565), said point being the Point of Beginning having established grid coordinates of (N) 1513274.81, (E) 363264.11 Zone East of the Alabama State Coordinate System;

Thence along said right-of-way South 64 Degrees 55 Minutes 09 Seconds West a distance of 297.51 feet to a concrete monument stamped "AHD ROW" found; thence South 68 Degrees 30 Minutes 56 Seconds West a distance of 586.78 feet to a concrete monument stamped "AHD ROW" found; thence South 65 Degrees 18 Minutes 12 Seconds West a distance of 1164.36 feet to a concrete monument stamped "AHD ROW" found; thence South 68 Degrees 58 Minutes 25 Seconds West a distance of 690.84 feet to a concrete monument stamped "AHD ROW" found; thence South 64 Degrees 08 Minutes 12 Seconds West a distance of 713.95 feet to a #5 rebar set on a Proposed Sanitary Sewer Easement; thence leaving said right-of-way and along the boundaries of said proposed easement North 89 Degrees 38 Minutes 39 Seconds West a distance of 129.15 feet to a #5 rebar set; thence North 0 Degrees 30 Minutes 21 Seconds East a distance of 32.01 feet to a #5 rebar set; thence North 89 Degrees 30 Minutes 17 Seconds West a distance of 102.33 feet to a #5 rebar set; thence North 0 Degrees 31 Minutes 38 Seconds East a distance of 30.02 feet to a #5 rebar set; thence South 89 Degrees 38 Minutes 39 Seconds East a distance of 285.24 feet to a #5 rebar set; thence North 64 Degrees 08 Minutes 12 Seconds East a distance of 640.32 feet to a #5 rebar set; thence North 68 Degrees 58 Minutes 25 Seconds East a distance of 691.14 feet to a #5 rebar set; thence North 65 Degrees 18 Minutes 12 Seconds East a distance of 1164.24 feet to a #5 rebar set; thence North 68 Degrees 30 Minutes 56 Seconds East a distance of 586.67 feet to a #5 rebar set; thence North 64 Degrees 55 Minutes 09 Seconds East a distance of 311.79 feet to a #5 rebar set; thence South 1 Degrees 48 Minutes 49 Seconds West a distance of 33.64 feet to the POINT OF BEGINNING.

The above described tract contains 2.64 acres (114982.94 sq. ft.)

All according to my survey on the 10th day of December, 2012





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Exhibit "A-2"

STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA – WPC FM RELOCATION COUNTY LINE ROAD & I-565,
TEMPORARY CONSTRUCTION EASEMENT ACQUISITION - Reference Plat 1:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 35, Township 4 South, Range 3 West, of the Huntsville Meridian.

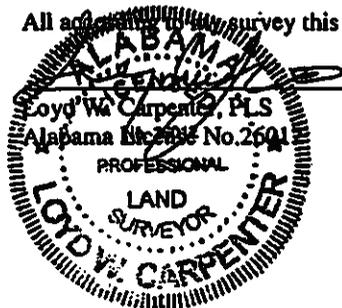
Said tract being a portion of that property conveyed to Barbara Ann Hughes Spencer in Deed Book 625, Page 149 as recorded to the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

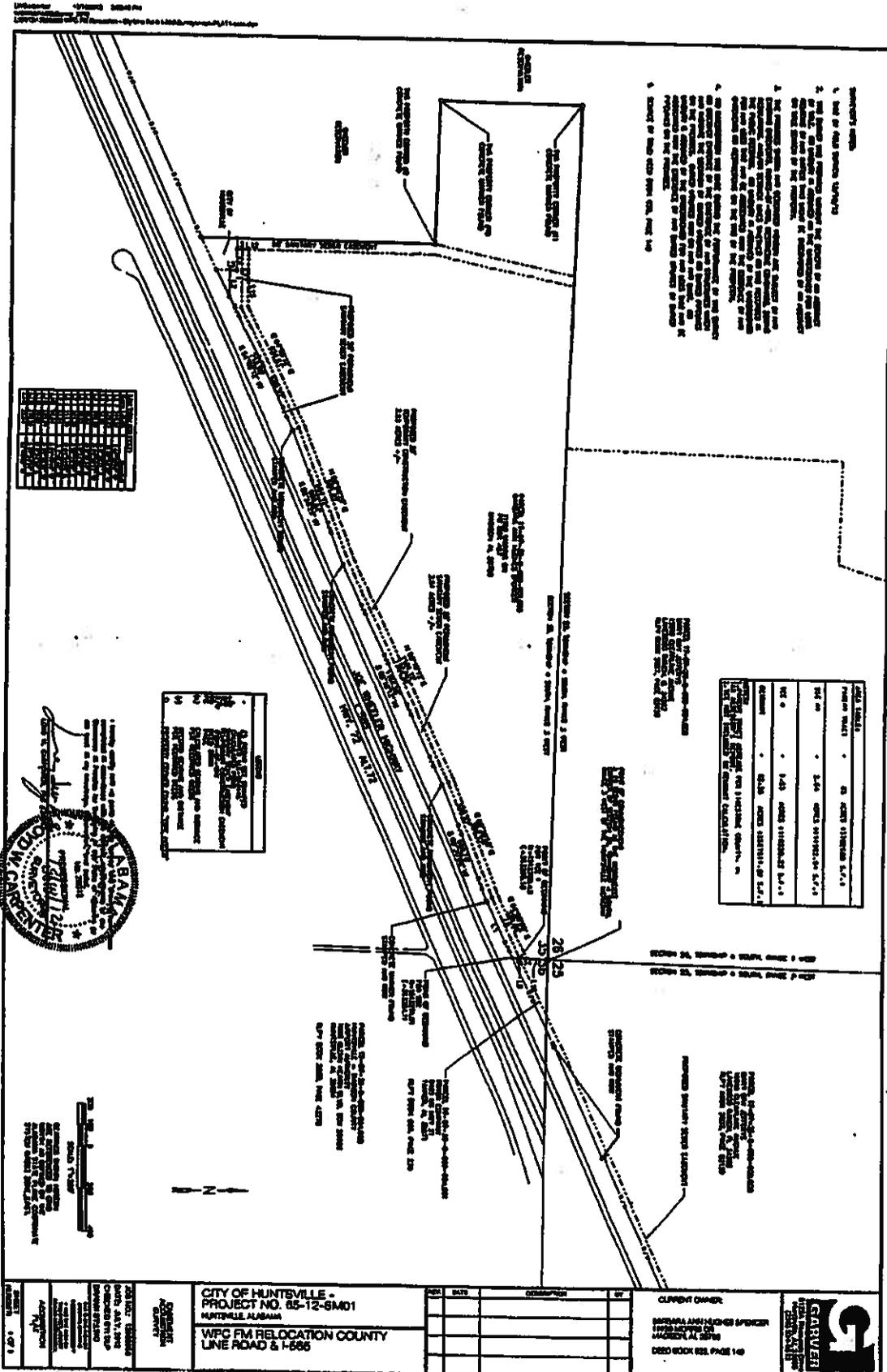
Commencing at a #6 rebar found at the northeast corner of Section 35, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 01 Degrees 48 Minutes 49 Seconds West a distance of 131.68 feet to a #5 rebar with a cap stamped "Garver Engineers CA#443" (typical) set on the north boundary of a Proposed Sanitary Sewer Easement, said point being the Point of Beginning having established grid coordinates of (N) 1513308.43, (E) 363265.18 Zone East of the Alabama State Coordinate System;

Thence along said north boundary South 64 Degrees 55 Minutes 09 Seconds West a distance of 311.79 feet to a #5 rebar set; thence South 68 Degrees 30 Minutes 56 Seconds West a distance of 586.67 feet to a #5 rebar set; thence South 65 Degrees 18 Minutes 12 Seconds West a distance of 1164.24 feet to a #5 rebar set; thence South 68 Degrees 58 Minutes 25 Seconds West a distance of 691.14 feet to a #5 rebar set; thence South 64 Degrees 08 Minutes 12 Seconds West a distance of 640.32 feet to a #5 rebar set; thence North 89 Degrees 38 Minutes 39 Seconds West a distance of 285.24 feet to a #5 rebar set; thence leaving said north boundary North 0 Degrees 31 Minutes 38 Seconds East a distance of 30.00 feet to a point on the north boundary of a Proposed Temporary Construction Easement; thence along said north boundary South 89 Degrees 38 Minutes 39 Seconds East a distance of 278.16 feet; thence North 64 Degrees 08 Minutes 12 Seconds East a distance of 634.61 feet; thence North 68 Degrees 58 Minutes 25 Seconds East a distance of 691.45 feet; thence North 65 Degrees 18 Minutes 12 Seconds East a distance of 1164.12 feet; thence North 68 Degrees 30 Minutes 55 Seconds East a distance of 586.57 feet; thence North 64 Degrees 55 Minutes 09 Seconds East a distance of 326.06 feet; thence South 1 Degrees 48 Minutes 49 Seconds West a distance of 33.64 feet to the POINT OF BEGINNING.

The above described tract contains 2.53 acres (110350.22 sq. ft.)

All adjacent to this survey this the 10th day of December, 2012







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STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA – WPC FM RELOCATION COUNTY LINE ROAD & I-565,
SANITARY SEWER EASEMENT ACQUISITION • Reference Plat 2:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 36, Township 4 South, Range 3 West, of the Huntsville Meridian.

Said tract being a portion of that property conveyed to Pryor Company in Deed Book 806, Page 230 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

Commencing at a #6 rebar found at the northwest corner of Section 36, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 269.73 feet to a #5 rebar with a cap stamped "Garver Engineers CA#445" (typical) set on the north boundary of a proposed Sanitary Sewer Easement, said point being the Point of Beginning having established grid coordinates of (N) 1513436.61, (E) 363539.05 Zone East of the Alabama State Coordinate System;

Thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 68.90 feet to a #5 rebar set on the northerly right-of-way of Joe Wheeler Highway (I-565); thence along said right-of-way South 64 Degrees 55 Minutes 09 Seconds West a distance of 379.63 feet to a #5 rebar set; thence leaving said right-of-way North 1 Degree 48 Minutes 49 Seconds East a distance of 33.64 feet to a #5 rebar set on said proposed easement; thence along said proposed easement North 64 Degrees 55 Minutes 09 Seconds East a distance of 302.38 feet to the POINT OF BEGINNING

The above described tract contains 0.23 acres (10230.23 sq. ft.)

All according to my survey filed the 3rd day of December, 2012





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STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA - WPC FM RELOCATION COUNTY LINE ROAD & I-565,
TEMPORARY CONSTRUCTION EASEMENT ACQUISITION - Reference Plat 2:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 36, Township 4 South, Range 3 West, of the Huntsville Meridian.

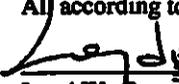
Said tract being a portion of that property conveyed to Pryor Company in Deed Book 806, Page 230 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

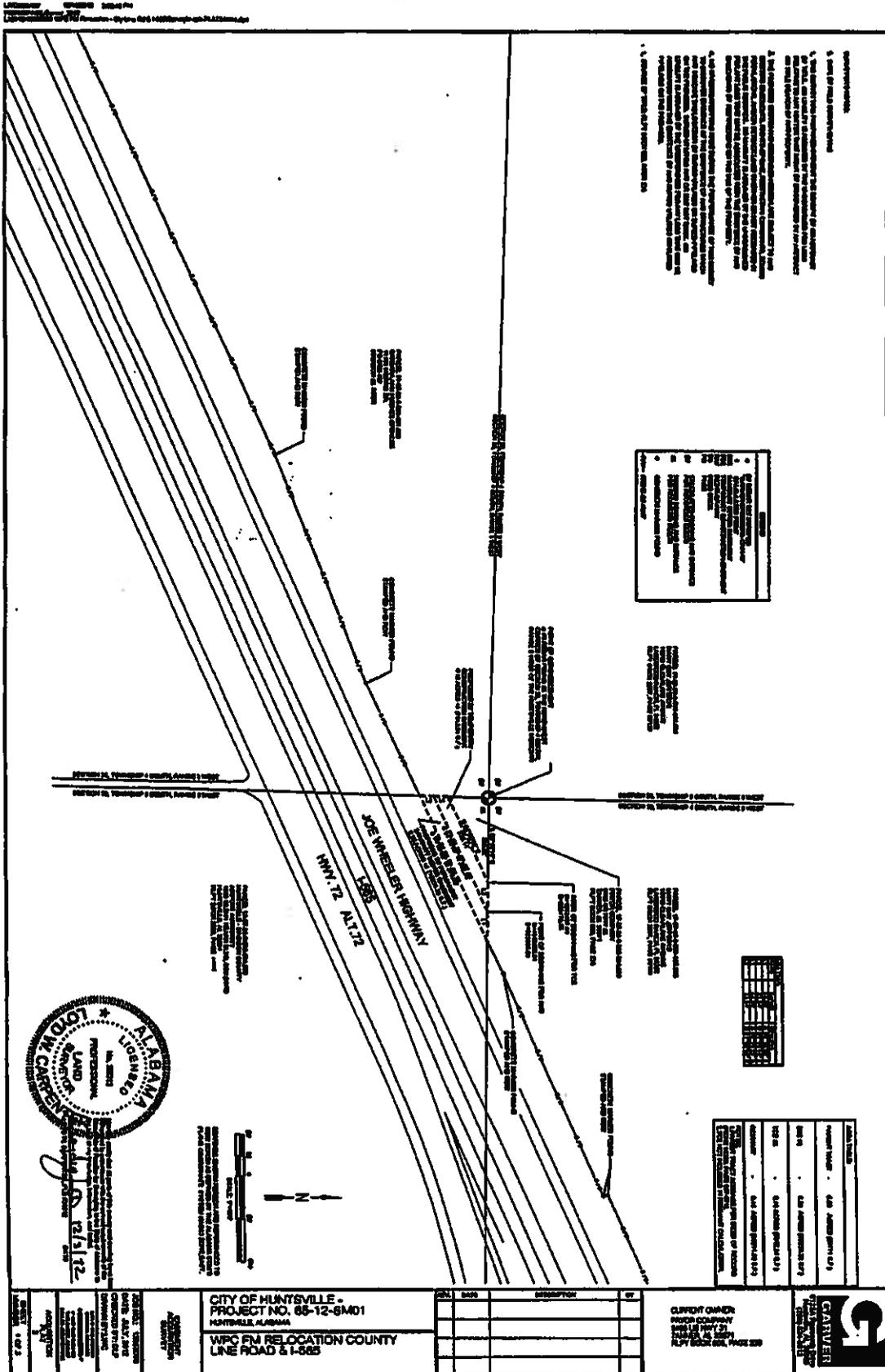
Commencing at a #6 rebar found at the northwest corner of Section 36, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 200.82 feet to a #5 rebar with a cap stamped "Garver Engineers CA#445" (typical) set on a proposed Temporary Construction Easement, said point being the Point of Beginning having established grid coordinates of (N) 1513437.49, (E) 363470.15 Zone East of the Alabama State Coordinate System;

Thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 68.90 feet to a #5 rebar set on a Proposed Sanitary Sewer Easement; thence along said proposed sewer easement South 64 Degrees 55 Minutes 09 Seconds West a distance of 302.38 feet to a #5 rebar set; thence leaving said proposed sewer easement North 1 Degrees 48 Minutes 49 Seconds East a distance of 33.64 feet to a point on a Proposed Temporary Construction Easement; thence along said proposed easement North 64 Degrees 55 Minutes 09 Seconds East a distance of 225.14 feet to the POINT OF BEGINNING.

The above described tract contains 0.18 acres (7912.84 sq. ft.)

All according to my survey this the 3rd day of December, 2012.


Loyd W. Carpenter, PLS
Alabama License No. 26012



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STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA – WPC FM RELOCATION COUNTY LINE ROAD & I-565,
SANITARY SEWER EASEMENT ACQUISITION - Reference Plat 3 – SSE 3A:**

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 25, Township 4 South, Range 3 West, of the Huntsville Meridian.

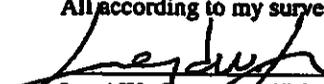
Said tract being a portion of that property conveyed to Mary Gay Jefferys c/o Jefferys M. Gay Trustee in RLPY Book 2007, Page 82139 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

Commencing at a #6 rebar found at the southwest corner of Section 25, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 269.73 feet to a #5 rebar with a cap stamped "Garver Engineers CA#445" (typical) set on the north boundary of a proposed Sanitary Sewer Easement, said point being the Point of Beginning having established grid coordinates of (N) 1513436.61, (E) 363539.05 Zone East of the Alabama State Coordinate System;

Thence along said north boundary North 64 Degrees 55 Minutes 09 Seconds East a distance of 152.82 feet to a #5 rebar set; thence North 66 Degrees 03 Minutes 30 Seconds East a distance of 572.40 feet to a #5 rebar set; thence North 23 Degrees 38 Minutes 42 Seconds West a distance of 10.17 feet to a #5 rebar set; thence North 66 Degrees 04 Minutes 58 Seconds East a distance of 2260.82 feet to a #5 rebar set; thence North 6 Degrees 35 Minutes 58 Seconds East a distance of 74.57 feet to a #5 rebar set; thence South 83 Degrees 24 Minutes 02 Seconds East a distance of 67.55 feet to a #5 rebar set; thence leaving said north boundary South 1 Degree 15 Minutes 08 Seconds West a distance of 66.23 feet to a #5 rebar set on the northerly Right-of-Way of Joe Wheeler Highway (I-565); thence along said Right-of-Way South 66 Degrees 04 Minutes 58 Seconds West a distance of 2328.88 feet to a concrete monument stamped "AHD ROW" found; thence South 23 Degrees 45 Minutes 57 Seconds East a distance of 10.17 feet to a concrete monument stamped "AHD ROW" found; thence South 66 Degrees 03 Minutes 30 Seconds West a distance of 572.24 feet to a concrete monument stamped "AHD ROW" found; thence South 64 Degrees 55 Minutes 09 Seconds West a distance of 90.19 feet to a #5 rebar set; thence leaving said right-of-way North 89 Degrees 16 Minutes 15 Seconds West a distance of 68.90 feet to the POINT OF BEGINNING.

The above described tract contains 2.17 acres (94653.08 sq. ft.)

All according to my survey this 20 day of December, 2012


Loyd W. Carpenter, PLS
Alabama License No. 26012





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STATE OF ALABAMA
LIMESTONE COUNTY

**CITY OF HUNTSVILLE, ALABAMA - WPC FM RELOCATION COUNTY LINE ROAD & I-565,
TEMPORARY CONSTRUCTION EASEMENT ACQUISITION - Reference Plat 3:**

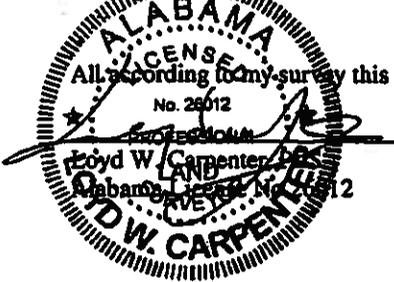
I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 25, Township 4 South, Range 3 West, of the Huntsville Meridian.

Said tract being a portion of that property conveyed to Mary Gay Jefferys c/o Jefferys M. Gay Trustee in RLPY Book 2007, Page 82139 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

Commencing at a #6 rebar found at the southwest corner of Section 25, Township 4 South, Range 3 West of the Huntsville Meridian; thence South 89 Degrees 16 Minutes 15 Seconds East a distance of 200.82 feet to a #5 rebar with a cap stamped "Garver Engineers CA#445" (typical) set on a proposed Temporary Construction Easement, said point being the Point of Beginning having established grid coordinates of (N) 1513437.49, (E) 363470.15 Zone East of the Alabama State Coordinate System;

Thence along the north boundary of said proposed easement North 64 Degrees 55 Minutes 09 Seconds East a distance of 214.25 feet; thence North 66 Degrees 03 Minutes 30 Seconds East a distance of 573.75 feet; thence North 24 Degrees 26 Minutes 52 Seconds West a distance of 10.17 feet; thence North 66 Degrees 04 Minutes 58 Seconds East a distance of 2278.50 feet; thence leaving said north boundary South 6 Degrees 35 Minutes 58 Seconds West a distance of 34.82 feet to a #5 rebar set on the north boundary of a proposed Sanitary Sewer Easement; thence along said north boundary South 66 Degrees 04 Minutes 58 Seconds West a distance of 2260.82 feet to a #5 rebar set; thence South 23 Degrees 38 Minutes 42 Seconds East a distance of 10.17 feet to a #5 rebar set; thence South 66 Degrees 03 Minutes 30 Seconds West a distance of 572.40 feet to a #5 rebar set; thence South 64 Degrees 55 Minutes 09 Seconds West a distance of 152.82 feet to a #5 rebar set; thence leaving said north boundary North 89 Degrees 16 Minutes 15 Seconds West a distance of 68.90 feet to the POINT OF BEGINNING

The above described tract contains 2.08 acres (90783.66 sq. ft.)



All recording to my survey this the 3rd day of December, 2012.



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STATE OF ALABAMA
LIMESTONE COUNTY

CITY OF HUNTSVILLE, ALABAMA - WPC FM RELOCATION COUNTY LINE ROAD & I-565,
SANTARY SEWER EASEMENT ACQUISITION - Reference Plat 4 - SSE 4:

I, Loyd W. Carpenter, a Professional Land Surveyor in the State of Alabama hereby certify that the foregoing is a true and accurate description of a tract of land lying and being in Section 25, Township 4 South, Range 3 West, of the Huntsville Meridian.

Said tract being a portion of that property conveyed to The Huntsville-Madison County Airport Authority in Fiche 2522, Page 034 as recorded in the Office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows:

Commencing at the southeast corner of Section 25, Township 4 South, Range 3 West of the Huntsville Meridian; thence North 0 Degrees 50 Minutes 13 Seconds West a distance of 585.89 feet; thence South 89 Degrees 44 Minutes 02 Seconds West a distance of 75.00 feet to a 6 inch square concrete monument found on the west right-of-way of County Line Road; thence along said right-of-way North 0 Degrees 07 Minutes 47 Seconds West a distance of 72.49 feet to a #5 rebar with a cap stamped "Garver LLC CA#445" (typical) set on the south boundary of a proposed Sanitary Sewer Easement, said point being the POINT OF BEGINNING having established grid coordinates of (N) 1514017.76, (E) 369259.09 Zone East of the Alabama State Coordinate System;

Thence leaving said right-of-way and along said south boundary of proposed easement North 42 Degrees 12 Minutes 38 Seconds West a distance of 155.80 feet to a #5 rebar set; thence North 87 Degrees 39 Minutes 21 Seconds West a distance of 116.84 feet to a #5 rebar set at the point of curvature of a curve to the right having a radius of 1035.00 feet, a chord of North 82 Degrees 42 Minutes 50 Seconds West 178.31 feet; thence along the arc of said curve 178.54 feet to a #5 rebar set at the point of tangency of said curve; thence North 77 Degrees 46 Minutes 20 Seconds West a distance of 460.74 feet to a #5 rebar set; thence North 88 Degrees 28 Minutes 43 Seconds West a distance of 53.83 feet to a #5 rebar set at the point of curvature of a curve to the left having a radius of 1342.00 feet, a chord of South 88 Degrees 03 Minutes 12 Seconds West 658.89 feet; thence along the arc of said curve 665.70 feet to the a #5 rebar set on the south right-of-way of Interstate 565; thence leaving said south boundary of proposed easement and along said right-of-way North 65 Degrees 16 Minutes 40 Seconds East a distance of 84.84 feet to a #5 rebar set on the north boundary of a proposed Sanitary Sewer Easement, said point being the point of curvature of a curve to the right having a radius of 1357.00 feet, a chord of North 89 Degrees 49 Minutes 04 Seconds East 583.26 feet; thence leaving said right-of-way and along said proposed easement and the arc of said curve 587.84 feet to the to a #5 rebar set at the point of tangency of said curve; thence South 88 Degrees 28 Minutes 43 Seconds East a distance of 53.83 feet to a #5 rebar set; thence South 77 Degrees 46 Minutes 20 Seconds East a distance of 462.14 feet to a #5 rebar set at the point of curvature of a curve to the left, having a radius of 1020.00 feet, a chord of South 82 Degrees 42 Minutes 51 Seconds East 175.73 feet; thence along the arc of said curve 175.95 feet to a #5 rebar set at the point of tangency of said curve; thence South 87 Degrees 39 Minutes 21 Seconds East a distance of 123.12 feet to a #5 rebar set; thence South 42 Degrees 12 Minutes 40 Seconds East a distance of 145.47 feet to a #5 rebar set on the west right-of-way of County Line Road; thence leaving said north boundary of easement and along said right-of-way South 0 Degrees 07 Minutes 47 Seconds East a distance of 22.38 feet to the POINT OF BEGINNING

The above described tract contains 0.55 acres (23891.37sq. ft.)

All according to my survey this the 14th day of October, 2013.

Loyd W. Carpenter Digitally Signed
2013-10-15 11:04:00Z

Loyd W. Carpenter, PLS
Alabama License No.26012



