

ORDINANCE NO. 14-_____

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 5-foot utility and drainage easement; that the applicant has represented to the City of Huntsville that Russell Hill Properties, LLC, 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)

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 City Clerk-Treasurer, respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 for and as the act of said corporation on the day the same bears day.

Given under my hand and official seal this the ~~23rd~~ day of January, 2014.

Notary Public

[NOTARIAL SEAL]

My commission expires: _____

STATE OF ALABAMA)
 :
MADISON COUNTY)

This instrument prepared by:
Benjamin W. Hutton
Bradley Arant Boult Cummings LLP
200 Clinton Avenue West, Suite 900
Huntsville, Alabama 35801
(256) 517-5100

QUITCLAIM DEED FOR VACATION OF EASEMENT

WHEREAS, the City of Huntsville, Alabama (the “Grantor”) is the holder of a utility and drainage easement as shown in Instrument Nos. 20050630000424610 and 20121031000705080, recorded in the Office of the Judge of Probate of Madison County, Alabama, the relevant portion of which is more particularly described on Exhibit A attached hereto (the “Easement”); and

WHEREAS, the Grantor has agreed to vacate the Easement and to convey all of its right, title and interest in and to the real property located in Madison County, Alabama as more particularly described on Exhibit A attached hereto (the “Property”) to **Russell Hill Properties, LLC**, an Alabama limited liability company (the “Grantee”).

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, does hereby remise, release, and forever quitclaim to the Grantee, all its right, title, interest and claim in and to the Property.

TO HAVE AND TO HOLD the Property unto the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on or as of the 23rd day of January, 2014.

CITY OF HUNTSVILLE, ALABAMA

By: _____
Tommy Battle, Mayor

Attest: _____
Charles Hagood, Clerk Treasurer

EXHIBIT A

Property Description

LEGAL DESCRIPTION PART OF A 20' UTILITY AND DRAINAGE EASEMENT ACROSS LOT 3A CCI/MARTIN MEDICAL COMPLEX- PHASE 2

All that part of Section 3, Township 4 South, Range 1 West, Madison County, Alabama being Ten (10) feet on both sides of the following centerline and more particularly described as:

Commencing at the northeast corner of Lot 3A on the westerly right-of-way line of Fourteenth Street of CCI/Martin Medical Complex Phase 2 as recorded in Document Number 20121031000705080 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N66°39'35"W along the northerly boundary of said Lot 3A, a distance of 50.00 feet; thence S89°51'14"W along the northerly boundary of said Lot 3A, a distance of 204.52 feet; thence S13°27'13"W a distance of 97.62 feet to the southerly boundary of a Seventy (70) foot utility and drainage easement at its intersection with the easterly boundary of a Twenty (20) foot utility and drainage easement and being the point of beginning; thence continue S13°27'13"W along the easterly boundary of said Twenty (20) foot utility and drainage easement, a distance of 486.43 feet to the northerly boundary of a Ten (10) foot utility and drainage easement; thence S74°41'20"W along said Ten (10) foot utility and drainage easement, a distance of 22.82 feet to the westerly boundary of said Twenty (20) foot utility and drainage easement; thence N13°27'13"E along the westerly boundary of said Twenty (20) foot utility and drainage easement a distance of 496.68 feet to the southerly boundary of said Seventy (70) foot utility and drainage easement; thence easterly 20.08 feet along the southerly boundary of said Seventy (70) foot utility and drainage easement and along a curve to the left having a radius of 70.00 feet and a chord bearing of S78°38'13"E and a chord distance of 20.01 feet to the point of beginning and containing 9,823 square feet or 0.23 acres, more or less.

Ordinance No. 14-_____ (Cont.)
Russell Hill Properties, LLC

ADOPTED this the 23rd day of January, 2014.

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

APPROVED this the 23rd day of January, 2014.

Mayor of the City of
Huntsville, Alabama