

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jul 24, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Release of Restrictive Covenants with the Land Trust for Highway 72 East widening project.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute a Partial Release of Restrictive Covenants between the City of Huntsville and the Land Trust of North Alabama, Inc., for property on Chapman Mountain necessary for the Highway 72 East widening project.

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: Jul 24, 2014

RESOLUTION NO. 14-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to consent to that Partial Release of Restrictive Covenants by and between the City of Huntsville and The Land Trust of North Alabama, Inc., on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said Release is substantially in words and figures similar to that certain document attached hereto and identified as "Partial Release of Restrictive Covenants between the City of Huntsville and The Land Trust of North Alabama, Inc.," consisting of three (3) pages, and the date of July 24, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 24th day of July, 2014.

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

APPROVED this the 24th day of July, 2014.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA
COUNTY OF MADISON

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**PARTIAL RELEASE OF
RESTRICTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS, THAT for value received, the undersigned does hereby release and extinguish those certain restrictive covenants, recorded at Document #20120803000487440 in the Office of the Judge of Probate of Madison County, Alabama on August 3, 2012, from their application to the following real property and none other, located in Madison County, Alabama, to-wit:

A part of the NE ¼ of SW ¼, Section 17, Township 3-S, Range 1-E, identified as Tract No.1 on Project No. NH-0002(564) in Madison County, Alabama and being more fully described as follows:

Commencing at a found concrete cylinder at the generally accepted NW corner of the NW 1/4 of the SE 1/4 being in section 17, township 3-S range 1-E, in Madison County, Alabama;

Thence S 1°15'18" W along the quarter section line a distance of 1298.17 feet to a point on the acquired R/W line (said line offset 170'LT and parallel to centerline of project)(said point being on the grantor's east property line), said point being the point of BEGINNING;

thence S 1°15'18" W and along the grantor's east property line a distance of 88.70 feet to a point on the present north R/W line of US-72;

thence following the curvature thereof an arc distance of 974.30 feet and along said present R/W line to a point on said present R/W line (said arc having a chord bearing of S 56°4'28" W, a counterclockwise direction, a chord distance of 964.62 feet and a radius of 1992.60 feet);

thence S 79°39'49" W and along said present R/W line a distance of 60.63 feet to a point on the acquired R/W line (said point offset 120'LT and perpendicular to centerline of project at station PC 337+42.63);

thence following the curvature thereof an arc distance of 425.25 feet and along the acquired R/W line to a point on the acquired R/W line (said point offset 120'LT and perpendicular to centerline of project at station 314+50) (said arc having a chord bearing of N 47°2'0" E, a clockwise direction, a chord distance of 424.48 feet and a radius of 2043.96 feet);

thence N 10°49'10" E and along the acquired R/W line a distance of 73.42 feet to a point on the acquired R/W line (said point offset 170'LT and perpendicular to centerline of project at station 342+00);

thence following the curvature thereof an arc distance of 606.65 feet and along the acquired R/W line (said arc having a chord bearing of N 62°46'57" E, a clockwise direction, a chord distance of 604.53 feet and a radius of 2093.95 feet) to the point and place of BEGINNING, containing 1.52 acre(s), more or less.

President of the City Council of the
City of Huntsville, Alabama
Date: _____

Said restrictive covenants shall continue in full force and effect with respect to the other property covered thereby.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 24th day of July, 2014.

THE LAND TRUST OF NORTH ALABAMA, INC.

By: _____
Name: _____
Its: _____

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of The Land Trust of North Alabama, Inc., is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she, in such capacity and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal, this the _____ day of _____, 2014.

NOTARY PUBLIC

The City of Huntsville, Alabama does hereby consent and agree to the foregoing Partial Release of Restrictive Covenants.

CITY OF HUNTSVILLE, ALABAMA
An Alabama municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

By: _____
Charles E. Hagood
City Clerk

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned authority, 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, an Alabama municipal corporation, 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 the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal, this the _____ day of _____, 2014.

NOTARY PUBLIC

**THIS INSTRUMENT WAS PREPARED BY:
E. SHANE BLACK
HAND ARENDALL LLC
102 SOUTH JEFFERSON STREET
ATHENS, ALABAMA 35611**