

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jan 22, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Condemnation of certain real property for Church Street Project.

Exact Wording for the Agenda:

Resolution authorizing condemnation proceedings to obtain fee simple title to a certain tract of real property for the Church Street Phase I project.

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

Item to be considered for: Action

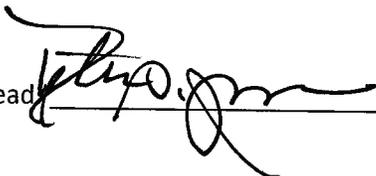
Unanimous Consent Required: No

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: 1-13-15

Tract 41 Church
Street Phase I
ATA Webster, Inc.
Project # STPHV-4500(200)

RESOLUTION NO.15-_____

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 fee simple title to the following described property, to-wit:

See Exhibit "A" which is attached hereto and incorporated herein, a copy of which is being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map depicting the property is attached hereto as Exhibit "B."

2. That the obtainment of the foregoing property is necessary for the Church Street Phase I Project, Project No. STPHV-4500(200), 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 property 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 its taking.

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 property 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. That in case of failure to acquire said property for the purposes aforesaid by voluntary sale 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 property by the exercise of the right of eminent domain.

6. Any prior acts taken by the City's administration toward the acquisition of said property and/or any other properties related to this project, pursuant to the eminent domain code, are hereby ratified.

ADOPTED this the 22nd day of January, 2015.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 22nd day of January, 2015.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

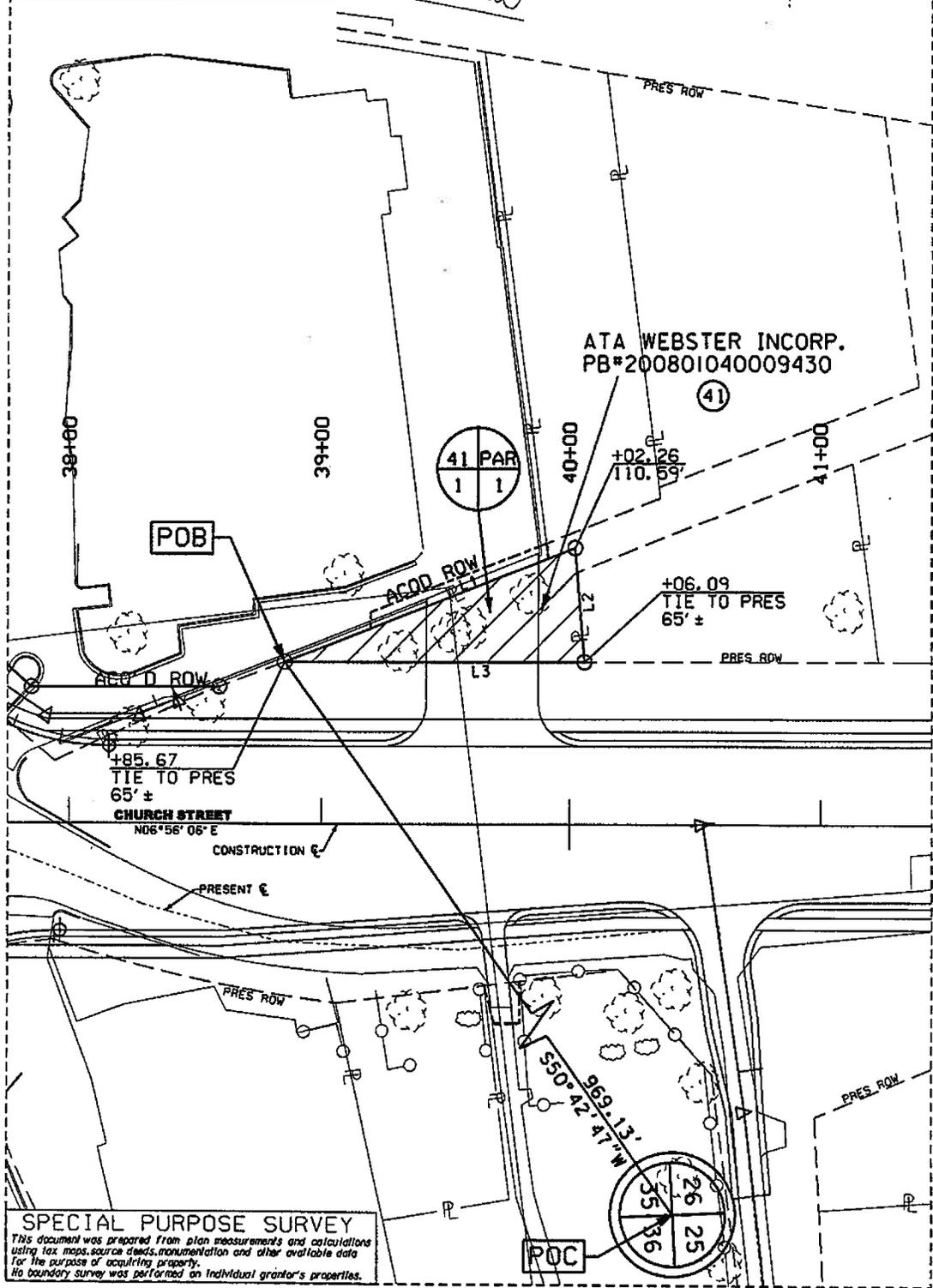
All that part of Lots 2B and Lot 5, Block 282, Quigley map of the City of Huntsville, Madison County, Alabama, as of record in the Tax Assessor's Office of said County, particularly described as beginning south 1 degree 0 minutes East 121.0 feet from the Northeast corner of said Lot 2B; Thence from the place of true beginning and said along the West Margin of Orchard Street as follows: South 1 degree 00 minutes East 88.0 feet, South 8 degrees 30 minutes West 50.0 feet, and south 38 degrees 20 minutes West 100.0 feet; thence North 20 degrees 12 minutes 41 seconds West 66.86 feet; thence North 16 degrees 12 minutes 56 seconds West 156.56 feet; thence North 88 degrees 48 minutes 18 seconds East 134.73 feet to the place of beginning and containing 0.44 acres or 19204.75 square feet more or less.

The above described tract is subject to a utility and drainage easement described in Lis pendens Book 4, Page 225, in the Probate Records of said County;

Also, a 15.0 foot utility and draiage easement being 7.5 feet on each side of the centerline described as follows:

All that part of Lots 2B and Lot 5, Block 282, Quigley map of the City of Huntsville, madison County, Alabama, as of records in the Tax Assessor's Office of said county, particularly described as beginning South 1 degree 00 minutes East 209.0 feet, South 8 degrees 30 minutes West 50.0 feet and south 38 degrees 20 minutes West 84.2 feet from the Northeast corner of said Lot 2B; thence from the place of true beginning North 21 degrees 51 minutes 55 seconds West 211.65 feet to the end of the above described easement.

CALL	BEARING	DISTANCE
L1	N14°25'22"W	125.19'
L2	S87°51'58"E	45.75'
L3	S06°56'06"W	120.42'



SPECIAL PURPOSE SURVEY
 This document was prepared from oten measurements and calculations using tax maps, source deeds, monumentation and other available data for the purpose of acquiring property. No boundary survey was performed on individual grantor's properties.

TRACT NUMBER: 41 CITY OF HUNTSVILLE

OWNER: ATA WEBSTER INCORP. PROJ NO: STPHV-4500(200)

TOTAL ACREAGE: 0.063 (C) CPMS NO: 100033490

R/W REQUIRED: 0.063 COUNTY: MADISON

TCE REQUIRED: 0.000 SCALE: 1" = 50'

REMAINDER: 0.000 DATE: 03/04/2011

REVISED: 01/07/2015