

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jun 25, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Condemnation proceedings for the Winchester Road widening project.

Exact Wording for the Agenda:

Resolution authorizing condemnation proceedings to obtain rights-of-way, utility and drainage easements, and construction easements along Winchester Road for the Winchester Road widening project.

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

Item to be considered for: Action

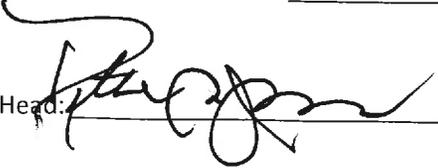
Unanimous Consent Required: No

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: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  _____

Date: Jun 17, 2015

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 several rights-of-way, permanent, exclusive utility and drainage easements, and temporary construction easements, on, over, across and upon the following described parcels of land, and shall include uneconomic remnant tracts, if any, viz:

See Exhibits "A-1" through "YYY-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 properties is necessary for the Winchester Road (DEMO) Project, Project No. STPHV-DEMO-A183, 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 their respective 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 properties for the City for the aforesaid purpose 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 any of the said properties for the purpose aforesaid by voluntary 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 a condemnation action and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of such property(ies) by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the properties pursuant to the eminent domain code are hereby ratified and affirmed.

ADOPTED this the 25th day of June, 2015.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 25th day of June, 2015.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

A part of the SW ¼ of SW ¼, Section 4, Township 3 South, Range 1 East, Identified as Tract No. 1 on Project No STPHV-DEMO-A183 in Madison County, Alabama and being more fully described as follows:

Parcel #1 of #1:

Commencing at the Northeast corner of Section 4, Township 3 South, Range 1 East, Madison County, Alabama;

thence S 41° 54' 45" W a distance of 6930.48 feet to the point of beginning;

thence N58°38'43"E a distance of 135.22 feet;

thence S03°43'40"E a distance of 11.92 feet;

thence S59°31'01"W a distance of 110.98 feet;

thence westerly 21.36 feet along a curve to the right having a radius of 25.00 feet a chord bearing of S83°59'44"W and a chord distance of 20.72 feet to the point of beginning and containing 0.03 acres, more or less.

TEMPORARY CONSTRUCTION EASEMENT NO. 1 OF 1:

A part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, Township 3 South, Range 1 East, in Madison County, Alabama, identified as Tract No. 1 on Project No. STPHV-DEMO-A183 and being more fully described as follows:

Beginning at Station 133+77.55, 60 feet left of the new centerline;

thence northwesterly 11.34 feet along a curve to the right having a radius of 25.00 feet and a chord bearing of N58°32'00"W and a chord distance of 11.24 feet;

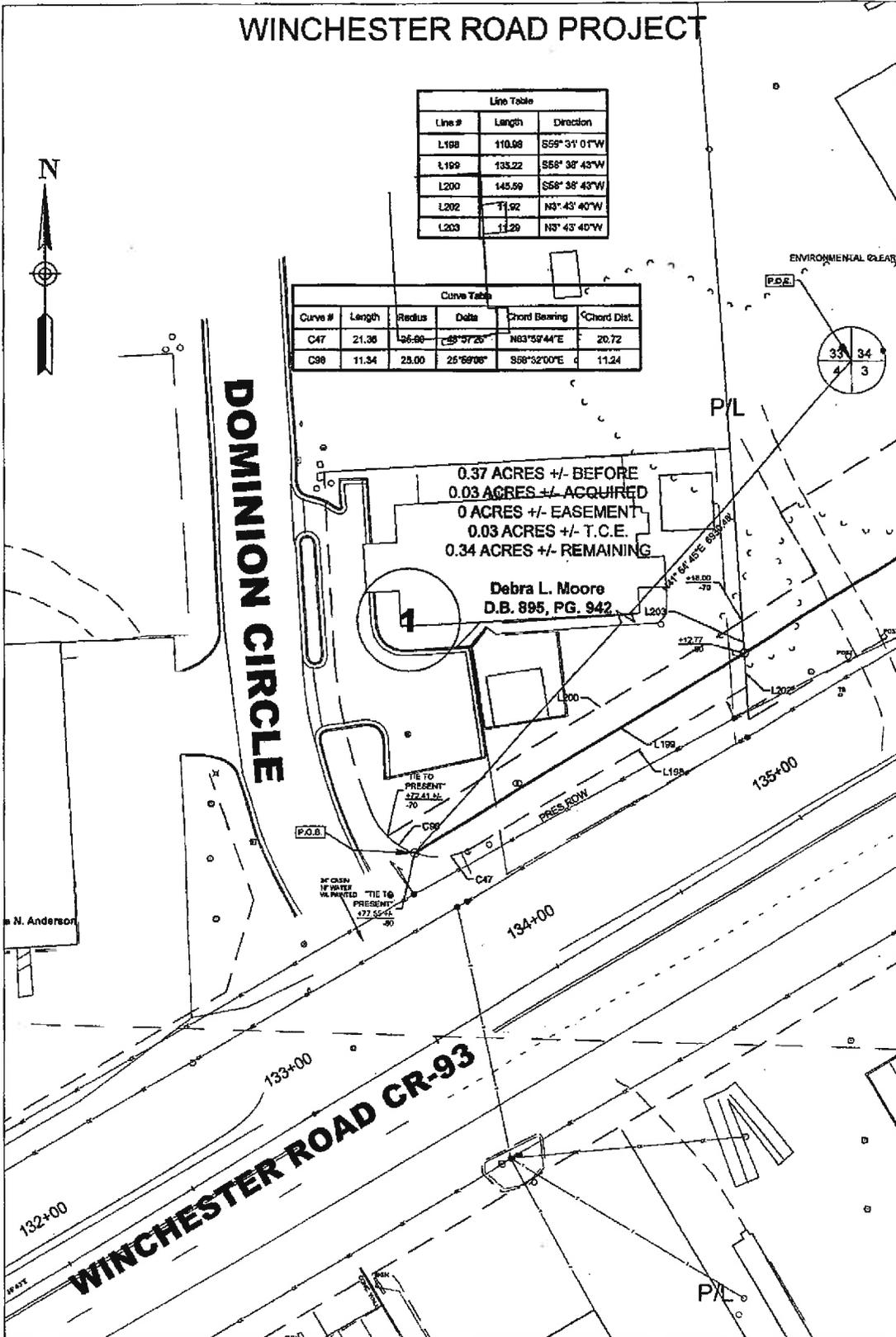
thence N58°38'43"W a distance of 145.59 feet;

thence S03°43'40"E a distance of 11.29 feet;

thence S58°38'43"W a distance of 135.22 feet to the point of beginning and containing 0.03 acres, more or less.

WINCHESTER ROAD PROJECT

Exhibit "A-3"



TRACT NUMBER: 1
 OWNER: DEBRA L. MOORE
 TOTAL ACREAGE: 0.37 AC
 ROW ACQUIRED: 0.03 AC
 T.C.E.: 0.03 AC
 EASEMENT: 0.00 AC
 REMAINDER: 0.34 AC

STATE OF ALABAMA HIGHWAY DEPARTMENT
 PROJECT NUMBER: STPHV-DEMO-A183
 MADISON COUNTY ALABAMA-100040795
 CITY: N/A
 SCALE: 1"= 40'
 DATE: 11.03.11 REV: 03.21.13
 (NOT A BOUNDARY SURVEY)