

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Nov 5, 2015

Action Requested By: Engineering

Agenda Type: Ordinance

Subject Matter:

Declaring surplus property

Exact Wording for the Agenda:

Ordinance declaring property located at Stoke Street and Hall Avenue as surplus and no longer needed for a municipal purpose and conveying it to Gary W. Kinney.

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.

Declaring 0.76 AC along three parcels at the northeast corner of Stokes Street and Hall Avenue as surplus and conveying it to the property owner due to relocation of Broglan Branch. No public infrastructure is located within this area, and this will allow the property owner to gain clear title.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Kathy Marti

Date: 11-2-15

ORDINANCE NO. 15-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that the property described on the Deed attached hereto, is hereby declared surplus and no longer needed for a municipal purpose.

BE IT FURTHER ORDAINED that the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute Deed to Gary Kinney a/k/a Gary W. Kinney, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA

COUNTY OF MADISON

THIS INDENTURE MADE AND ENTERED into on this the 5th day of November, 2015, by and between **CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama**, hereinafter referred to as "Parties of the First Part" and **GARY KINNEY a/k/a GARY W. KINNEY**, hereinafter referred to as "Party of the Second Part".

WITNESSETH

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 (\$10.00) DOLLARS and other good and valuable considerations to the Parties of the First Part in hand paid by the Party of the Second Part, the receipt of which is hereby acknowledged, the Parties of the First Part hereby remise, release, quitclaim and convey unto the said Party of the Second Part, all of its right, title, interest, claim and demand which it may have in and to the following described property in the County of Madison, State of Alabama, to-wit:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF.

NO TITLE OPINION REQUESTED, NONE RENDERED.

TO HAVE AND TO HOLD unto the Party of the Second Part, his heirs, successors and assigns.

Grantors Mailing Address: 308 Fountain Circle, Huntsville, AL 35801

Grantees Mailing Address: 102 Lowry Street, Huntsville, AL 35805

Property Address: 2418 Hall Avenue NW, Huntsville, AL 35805

Date of Transfer: _____, 2015

Assessed Value: \$5,900.00

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

IN WITNESS WHEREOF, Tommy Battle as Mayor of the City of Huntsville, a municipal corporation within the State of Alabama, as hereunto set his hand and seal as and for the official act of said municipal corporation, in accordance with his duly constituted authority as Mayor, on the day and year first above written.

CITY OF HUNTSVILLE
STATE OF ALABAMA

By: _____
Tommy Battle, It's: Mayor

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Tommy Battle, as Mayor of the City of Huntsville, a municipal corporation within the State of Alabama, whose name is signed to the foregoing conveyance, who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, who is known to me, acknowledged before me on this day that being informed of the contents of said conveyance, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said City of Huntsville, on the day the same bears date.

GIVEN under my hand and seal this the 5th day of November, 2015.

Notary Public

My Commission Expires: _____

This Instrument prepared by: Michael E. Brodowski, Brodowski and McCurry, LLC, 415-A Church Street, Suite 200, Huntsville, AL. 35801 (256) 534-4571

m:\real estate\2015 closings\15-0546r smg farms-kinney\huntsville city-transfer.to.kinney.doc (db)

ATTACHMENT "A"

STATE OF ALABAMA
MADISON COUNTY

0.13 ACRES

ALL THAT PART OF BLOCK 2 OF THE MAYHEW SURVEY AS RECORDED IN PLAT BOOK 1, PAGE 151 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF LOT 31 OF SAID PLAT, SAID POINT ALSO BEING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF HALL AVENUE AND THE EAST RIGHT OF WAY OF STOKES STREET; THENCE ALONG THE NORTH RIGHT OF WAY OF SAID HALL AVENUE NORTH 57 DEGREES 52 MINUTES 22 SECONDS EAST, 142.99 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING LEAVING SAID RIGHT OF WAY NORTH 30 DEGREES 32 MINUTES 38 SECONDS WEST, 31.69 FEET; THENCE NORTH 21 DEGREES 24 MINUTES 38 SECONDS WEST, 80.98 FEET TO A POINT ON THE NORTH BOUNDARY OF THAT PROPERTY DESCRIBED IN DEED BOOK 878, PAGE 429 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA; THENCE ALONG SAID BOUNDARY NORTH 57 DEGREES 51 MINUTES 48 SECONDS EAST, 38.87 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST BOUNDARY OF SAID PROPERTY SOUTH 33 DEGREES 59 MINUTES 51 SECONDS EAST, 10.07 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DEED BOOK 889, PAGE 415 IN SAID PROBATE OFFICE; THENCE ALONG THE NORTH BOUNDARY OF SAID PROPERTY NORTH 57 DEGREES 34 MINUTES 28 SECONDS EAST, 9.80 FEET; THENCE SOUTH 21 DEGREES 24 MINUTES 38 SECONDS EAST, 76.27 FEET; THENCE SOUTH 30 DEGREES 32 MINUTES 38 SECONDS EAST, 26.31 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID STOKES AVENUE; THENCE ALONG SAID RIGHT OF WAY SOUTH 57 DEGREES 52 MINUTES 22 SECONDS WEST, 50.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES MORE OR LESS.

SUBJECT TO ANY RIGHT OF WAYS, EASEMENTS, OR RESTRICTIONS, RECORDED OR UNRECORDED.

15-176



Terry S. Tacon
TERRY S. TACON, AL., REG. # 13653

ATTACHMENT "A"

STATE OF ALABAMA
MADISON COUNTY

0.63 ACRES

ALL THAT PART OF LOT 31, BLOCK 2 OF THE MAYHEW SURVEY AS RECORDED IN PLAT BOOK 1, PAGE 151 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 31, SAID POINT BEING A CAPPED TACON IRON PIN SET AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF HALL AVENUE AND THE EAST RIGHT OF WAY OF STOKES STREET.

THENCE FROM THE POINT OF BEGINNING AND ALONG THE EAST RIGHT OF WAY OF SAID STOKES STREET NORTH 33 DEGREES 08 MINUTES 30 SECONDS WEST, 111.24 FEET TO A 5/8" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 57 DEGREES 51 MINUTES 48 SECONDS EAST, 199.76 FEET TO A 5/8" REBAR FOUND; THENCE SOUTH 33 DEGREES 59 MINUTES 51 SECONDS EAST, 10.07 FEET TO A 5/8" REBAR FOUND; THENCE NORTH 57 DEGREES 34 MINUTES 28 SECONDS EAST, 50.13 FEET TO A 5/8" REBAR FOUND; THENCE SOUTH 33 DEGREES 07 MINUTES 21 SECONDS EAST, 101.47 FEET TO A 5/8" REBAR FOUND ON THE NORTH RIGHT OF WAY OF SAID HALL AVENUE; THENCE ALONG SAID RIGHT OF WAY SOUTH 57 DEGREES 52 MINUTES 22 SECONDS WEST, 250.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.63 ACRES MORE OR LESS.

SUBJECT TO ANY RIGHT OF WAYS, EASEMENTS, OR RESTRICTIONS, RECORDED OR UNRECORDED.

I, TERRY S. TACON, A REGISTERED LAND SURVEYOR OF ALABAMA, HEREBY REPORT THAT THE FOREGOING IS A TRUE AND CORRECT MAP OR PLAT ACCORDING TO THE ABOVE DESCRIBED PROPERTY DESCRIPTION; THAT THE BUILDING NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF THE SAME EXCEPT AS SHOWN; THAT THERE ARE NO RIGHT OF WAYS, EASEMENTS OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS SHOWN; THAT THE ABOVE DESCRIBED PROPERTY LIES AT 2418 HALL AVENUE, HUNTSVILLE, ALABAMA, ACCORDING TO MY SURVEY THIS THE 18th DAY OF JUNE 2015.

15-176


TERRY S. TACON, AL., REG. # 13653



ATTACHMENT "B"

STATE OF ALABAMA
MADISON COUNTY

0.13 ACRES

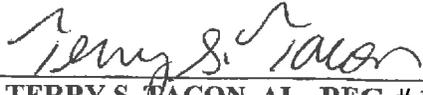
ALL THAT PART OF BLOCK 2 OF THE MAYHEW SURVEY AS RECORDED IN PLAT BOOK 1, PAGE 151 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF LOT 31 OF SAID PLAT, SAID POINT ALSO BEING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF HALL AVENUE AND THE EAST RIGHT OF WAY OF STOKES STREET; THENCE ALONG THE NORTH RIGHT OF WAY OF SAID HALL AVENUE NORTH 57 DEGREES 52 MINUTES 22 SECONDS EAST, 142.99 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING LEAVING SAID RIGHT OF WAY NORTH 30 DEGREES 32 MINUTES 38 SECONDS WEST, 31.69 FEET; THENCE NORTH 21 DEGREES 24 MINUTES 38 SECONDS WEST, 80.98 FEET TO A POINT ON THE NORTH BOUNDARY OF THAT PROPERTY DESCRIBED IN DEED BOOK 878, PAGE 429 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA; THENCE ALONG SAID BOUNDARY NORTH 57 DEGREES 51 MINUTES 48 SECONDS EAST, 38.87 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE EAST BOUNDARY OF SAID PROPERTY SOUTH 33 DEGREES 59 MINUTES 51 SECONDS EAST, 10.07 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY DESCRIBED IN DEED BOOK 889, PAGE 415 IN SAID PROBATE OFFICE; THENCE ALONG THE NORTH BOUNDARY OF SAID PROPERTY NORTH 57 DEGREES 34 MINUTES 28 SECONDS EAST, 9.80 FEET; THENCE SOUTH 21 DEGREES 24 MINUTES 38 SECONDS EAST, 76.27 FEET; THENCE SOUTH 30 DEGREES 32 MINUTES 38 SECONDS EAST, 26.31 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID STOKES AVENUE; THENCE ALONG SAID RIGHT OF WAY SOUTH 57 DEGREES 52 MINUTES 22 SECONDS WEST, 50.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.13 ACRES MORE OR LESS.

SUBJECT TO ANY RIGHT OF WAYS, EASEMENTS, OR RESTRICTIONS, RECORDED OR UNRECORDED.

15-176




TERRY S. TACON, AL., REG. # 13653

Ordinance No. 15-_____ (Cont.)
Gary W. Kinney

ADOPTED this the 5th day of November, 2015.

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

APPROVED this the 5th day of November, 2015.

Mayor of the City of
Huntsville, Alabama