

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jun 9, 2016

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Acquisition of right-of-way for the County Line Road Bradford Creek Project.

Exact Wording for the Agenda:

Resolution authorizing acquisition of right-of-way for County Line Road Improvements.

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

Item to be considered for: Action

Unanimous Consent Required: Yes

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 8, 2016

RESOLUTION NO. 16-_____

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, for purposes of a public right of way, fee simple interest in and to the following described parcels of land, viz:

See Exhibits "A-1" through "A-3" as depicted in Exhibit "B-1," which are attached hereto and incorporated herein, copies of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama, along with a 10' utility and drainage easement adjacent to said right of way.

2. That the obtainment of the foregoing property is necessary for the County Line Road Bradford Creek Project, 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 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 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 the 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 9th day of June, 2016.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 9th day of June, 2016.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

Propst Development County Line Road LLC Property on County Line Road

Tract 1

All that part of Section 30, Township 3 South, Range 2 West of the Huntsville Meridian, Madison County Alabama, being more particularly described as follows to wit:

Beginning at a point which lies South 88 degrees 51 minutes 27 seconds East, 27.42 feet from the Southwest corner of said Section 30, said point being on the present Right-of-Way for County Line Road; Thence from the Point of Beginning and along the present Right-of-Way for County Line Road, North 01 degrees 34 minutes 04 seconds East, 470.52 feet to a point; Thence leaving said present Right-of-Way for County Line Road, South 88 degrees 51 minutes 27 seconds East, 25.28 feet to a point; Thence South 01 degrees 34 minutes 04 seconds West, 470.52 feet to a capped rebar; Thence North 88 degrees 51 minutes 27 seconds West, 25.28 feet to the Point of Beginning and Containing 0.273 acres more or less.

Propst Development County Line Road LLC Property on County Line Road

Tract 2

All that part of Section 30, Township 3 South, Range 2 West of the Huntsville Meridian, Madison County Alabama, being more particularly described as follows to wit:

Beginning at a point which lies South 88 degrees 51 minutes 27 seconds East, 27.42 feet and North 01 degrees 34 minutes 04 seconds east, 470.52 feet from the Southwest corner of said Section 30, said point being on the present Right-of-Way for County Line Road; Thence from the Point of Beginning and along the present Right-of-Way for County Line Road, North 01 degrees 12 minutes 35 seconds East, 616.47 feet to a point; Thence leaving said present Right-of-Way for County Line Road, South 88 degrees 47 minutes 25 seconds East, 25.28 feet to a point; Thence South 01 degrees 12 minutes 35 seconds West, 583.68 feet to a capped rebar; Thence South 01 degrees 12 minutes 35 seconds West, 32.77 feet to a point; Thence North 88 degrees 51 minutes 27 seconds West, 25.28 feet to the Point of Beginning and Containing 0.358 acres more or less.

U.S. Highway 72

All that part of Section 30, Township 3 South, Range 2 West of the Huntsville Meridian, Madison County Alabama, being more particularly described as follows to wit:

Beginning at a point which lies South 88 degrees 51 minutes 27 seconds East, 27.42 feet, North 01 degrees 34 minutes 04 seconds East, 470.52 feet, North 01 degrees 12 minutes 35 seconds East, 616.47 feet, North 01 degrees 12 minutes 35 seconds East, 343.15 feet and South 85 degrees 28 minutes 43 seconds East, 240.64 from the Southwest corner of said Section 30, said point being on the present Right-of-Way for U.S. Highway 72; Thence from the Point of Beginning and along the present Right-of-Way for U.S. Highway 72, South 86 degrees 08 minutes 58 seconds East, 48.45 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 08 minutes 58 seconds East, 23.75 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 18 minutes 17 seconds East, 172.86 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 85 degrees 58 minutes 23 seconds East, 30.1 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 05 minutes 44 seconds East, 85.11 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 05 minutes 44 seconds East, 57.69 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 85 degrees 17 minutes 19 seconds East, 21.01 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 26 minutes 32 seconds East, 82.93 feet to a point; Thence continue along the present Right-of-Way for U.S. Highway 72, South 86 degrees 29 minutes 50 seconds East, 88.21 feet to a point; Thence leaving present Right-of-Way for U.S. Highway 72, South 01 degrees 51 minutes 17 seconds West, 50.02 feet to a point; Thence North 86 degrees 29 minutes 50 seconds West, 89.68 feet to a point; Thence North 86 degrees 26 minutes 37 seconds West, 83.36 feet to a point; Thence North 85 degrees 19 minutes 51 seconds West, 21.18 feet to a point; Thence North 86 degrees 07 minutes 52 seconds West, 55.09 feet to a point; Thence North 86 degrees 07 minutes 52 seconds West, 87.44 feet to a point; Thence North 85 degrees 58 minutes 23 seconds West, 30.02 feet to a point; Thence North 86 degrees 18 minutes 17 seconds West, 41.17 feet to a point; Thence North 86 degrees 18 minutes 17 seconds West, 131.62 feet to a point; Thence North 86 degrees 08 minutes 58 seconds West, 21.52 feet to a point; Thence North 86 degrees 08 minutes 58 seconds West, 50.74 feet to a point; Thence North 03 degrees 51 minutes 02 seconds East, 50.00 feet to the Point of Beginning and Containing 30537.72 square feet or 0.701 acres more or less.

