

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: 15.

Meeting Type: Regular

Meeting Date: Aug 25, 2016

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Condemnation Proceedings for Stone Crossing Apartments access road project.

Exact Wording for the Agenda:

Resolution authorizing the City of Huntsville to conduct condemnation proceedings for the acquisition of certain property for the Stone Crossing Apartments Access Road Project.

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

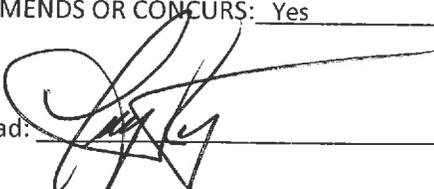
Item to be considered for: Action

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: Aug 18, 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 fee simple title to the following described parcel of land, viz:

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

A copy of the Tax Assessor map for the tract is attached as Exhibit "B."

2. That the obtainment of the foregoing property is necessary for the Stone Crossing Apartments Access Road Project, Project No.65-15-SP57, 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 said above described property 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 taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the said above described property for said 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 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 by the exercise of the right of eminent domain.

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

**ADOPTED** this the 25th day of August, 2016.

---

President of the City Council  
City of Huntsville, Alabama

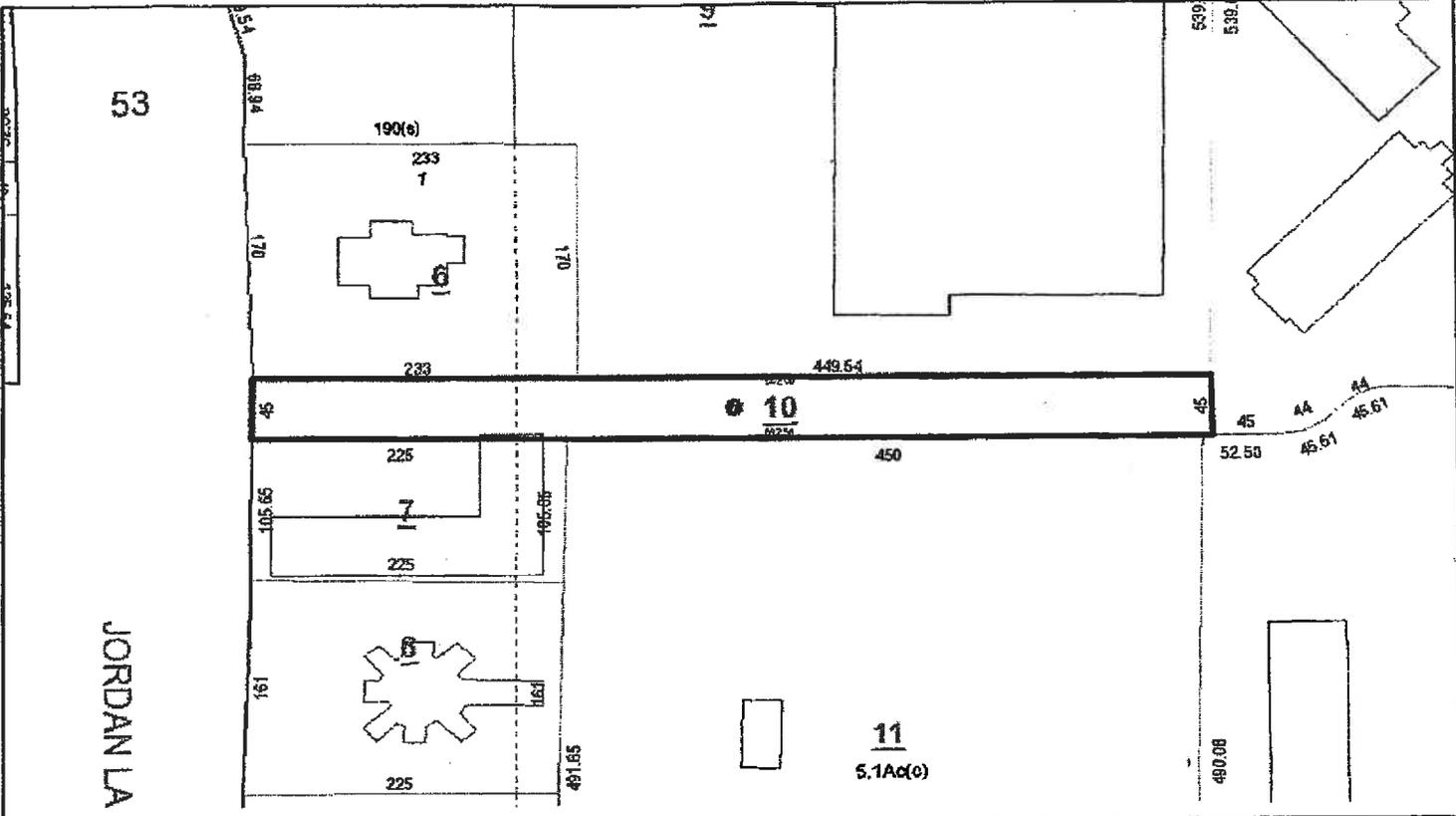
**APPROVED** this the 25th day of August, 2016.

---

Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

Exhibit "A"

All that part of the Northeast Quarter of Section 33 and Northwest Quarter of Section 34, Township 3 South, Range 1 West in the City of Huntsville, Madison County, Alabama, particularly described as beginning at a point that is located North 00 degrees, 45 minutes West 138.40 feet, East 33.20 feet, North 01 degrees, 25 minutes East 536.65 feet, and South 89 degrees, 30 minutes East 457.50 feet from the center of the West boundary of said Section 34; thence from the true point of the beginning North 89 degrees, 30 minutes West 682.50 feet to a point on the East right of way of Jordan Lane; thence along the East right of way of said Jordan Lane South 01 degrees, 25 minutes East 45.00 feet; thence South 89 degrees, 32 minutes East 682.50 feet; thence North 01 degrees, 24 minutes, 40 seconds West 44.62 feet to the true Point of Beginning.



Cliff Mann Tax Assessor Madison County