

ORDINANCE NO. 16-\_\_\_\_\_

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, as follows:

**Section 1.** The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicants have represented to the City of Huntsville that **Kroger Limited Partnership I, and GB Bradford Creek, LLC,** are the owners of the property across which said easement lies; that said easement, or portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

**Section 2.** Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, 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 3rd day of November, 2016, by and between the **CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation in the State of Alabama, as Grantor, and **KROGER LIMITED PARTNERSHIP I**, an Ohio limited partnership, as Grantee.

WHEREAS, by virtue of the Certified Plat of Robinson Properties recorded in Plat Book 45, at Page 8 in the Office of the Judge of Probate of Madison County, Alabama, Grantor acquired a utility and drainage easement five feet (5') in width and running along the western boundary of the property described within such plat ("Utility and Drainage Easement"); and

WHEREAS, Grantor has determined that such easement is neither useful nor desired, and has consented to vacate the same.

NOW, THEREFORE, the Grantor, for and in consideration of the sum of Ten and no/100 Dollars to it cash in hand paid this day by the Grantee, and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the Grantee all of its right, title, interest and claim in and to the Utility and Drainage Easement described above situated in the County of Madison, State of Alabama, to-wit:

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:

Commencing at a point which lies South 88 degrees 51 minutes 26 seconds East, 52.70 feet, North 01 degrees 34 minutes 04 seconds East, 470.52 feet, North 01 degrees 12 minutes 35 seconds East, 616.45 feet, North 01 degrees 13 minutes 46 seconds East, 288.56 feet, South 85 degrees 57 minutes 07 seconds East, 212.74 feet, South 86 degrees 08 minutes 58 seconds East, 72.02 feet and South 86 degrees 18 minutes 17 seconds East, 3.96 feet from the Southwest corner of said Section 30, said point being on the South Right-of-Way for U.S. Highway 72; Thence South 01 degrees 14 minutes 43 seconds West, 285.72 feet to the Point of Beginning of the herein described tract; Thence from the Point of Beginning South 88 degrees 46 minutes 14 seconds East, 5.00 feet to a point; Thence South 01 degrees 14 minutes 43 seconds West, 575.26 feet to a point; Thence North 88 degrees 49 minutes 01 seconds West, 5.03 feet to a point; Thence North 01 degrees 14 minutes 43 seconds East, 575.26 feet to the Point of Beginning and Containing 2884 square feet or 0.066 acres more or less.

TO HAVE AND TO HOLD the same unto the Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by Tommy Battle, as its Mayor, and attested by Kenneth Benion, as its Clerk-Treasurer, on the day and year first above written.

CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

ATTEST:

By: \_\_\_\_\_  
Tommy Battle, Mayor

By: \_\_\_\_\_  
Kenneth Benion  
Clerk-Treasurer

STATE OF ALABAMA )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 3rd day of November, 2016.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY: W. GRAHAM BURGESS  
LANIER FORD SHAVER & PAYNE P.C.,  
2101 West Clinton Avenue., Ste. 102, Huntsville, Alabama 35805 (256) 535-1100

**Real Estate Sales Validation Form**

*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name City of Huntsville, AL  
Mailing Address 308 Fountain Circle  
Huntsville, AL 35811

Grantee's Name Kroger Limited Partnership I  
Mailing Address 2620 elm Hill Pike  
Nashville, TN 37214

Property Address 0.066 acres, S30, T3S, R2W  
Huntsville, AL

Date of Sale \_\_\_\_\_, 2016  
Total Purchase Price \$ \_\_\_\_\_  
or  
Actual Value \$ \_\_\_\_\_  
or  
Assessor's Market Value \$ \_\_\_\_\_

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- Bill of Sale  
 Sales Contract  
 Closing Statement  
 Appraisal  
 Other

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

**Instructions**

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

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).

Date \_\_\_\_\_

Print \_\_\_\_\_

Unattested

\_\_\_\_\_  
(verified by)

Sign \_\_\_\_\_  
(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA )  
COUNTY OF MADISON )

THIS INDENTURE made and entered into on this the 3rd day of November, 2016, by and between the **CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation in the State of Alabama, as Grantor, and **GB BRADFORD CREEK, LLC**, a Florida limited liability company, as Grantee.

WHEREAS, by virtue of the Certified Plat of Robinson Properties recorded in Plat Book 45, at Page 8 in the Office of the Judge of Probate of Madison County, Alabama, Grantor acquired a utility and drainage easement five feet (5') in width and running along the western boundary of the property described within such plat ("Utility and Drainage Easement"); and

WHEREAS, Grantor has determined that such easement is neither useful nor desired, and has consented to vacate the same.

NOW, THEREFORE, the Grantor, for and in consideration of the sum of Ten and no/100 Dollars to it cash in hand paid this day by the Grantee, and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the Grantee all of its right, title, interest and claim in and to the Utility and Drainage Easement described above situated in the County of Madison, State of Alabama, to-wit:

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 26 seconds East, 52.70 feet, North 01 degrees 34 minutes 04 seconds East, 470.52 feet, North 01 degrees 12 minutes 35 seconds East, 616.45 feet, North 01 degrees 13 minutes 46 seconds East, 288.56 feet, South 85 degrees 57 minutes 07 seconds East, 212.74 feet, South 86 degrees 08 minutes 58 seconds East, 72.02 feet and South 86 degrees 18 minutes 17 seconds East, 3.96 feet from the Southwest corner of said Section 30, said point being on the South Right-of-Way for U.S. Highway 72; Thence from the Point of Beginning and along the said South Right-of-Way for U.S. Highway 72, South 86 degrees 18 minutes 17 seconds East, 5.01 feet to a point; Thence leaving the said south Right-of-Way for U.S. Highway 72, South 01 degrees 14 minutes 43 seconds West, 285.50 feet to a point; Thence North 88 degrees 46 minutes 14 seconds West, 5.00 feet to a point; Thence North 01 degrees 14 minutes 43 seconds East, 285.72 feet to the Point of Beginning and Containing 1429 square feet or 0.033 acres more or less.

TO HAVE AND TO HOLD the same unto the Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by Tommy Battle, as its Mayor, and attested by Kenneth Benion, as its Clerk-Treasurer, on the day and year first above written.

CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

By: \_\_\_\_\_  
Tommy Battle, Mayor

ATTEST:

By: \_\_\_\_\_  
Kenneth Benion  
Clerk-Treasurer

STATE OF ALABAMA )  
COUNTY OF MADISON )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same for and as the act of said corporation on the day the same bears date.

GIVEN under my hand and official seal this the 3rd day of November, 2016.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY: W. GRAHAM BURGESS  
LANIER FORD SHAVER & PAYNE P.C.,  
2101 West Clinton Avenue., Ste. 102, Huntsville, Alabama 35805 (256) 535-1100

[mw] S:\WGB\Fidelity National\Huntsville Kroger Project\Deed fr City of Hsville to GB Bradford - Vacations-3.wpd

**Real Estate Sales Validation Form**

*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name City of Huntsville, AL  
Mailing Address 308 Fountain Circle  
Huntsville, AL 35811

Grantee's Name GB Bradford Creek, LLC  
Mailing Address 5858 Central Avenue  
St. Petersburg, FL 33707-1728

Property Address 0.33 acres, S30, T3S, R2W  
Huntsville, AL

Date of Sale \_\_\_\_\_, 2016  
Total Purchase Price \$ \_\_\_\_\_  
or  
Actual Value \$ \_\_\_\_\_  
or  
Assessor's Market Value \$ \_\_\_\_\_

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- Bill of Sale  
 Sales Contract  
 Closing Statement  
 Appraisal  
 Other

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

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If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

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).

Date \_\_\_\_\_ Print \_\_\_\_\_

Unattested \_\_\_\_\_ Sign \_\_\_\_\_  
(verified by) (Grantor/Grantee/Owner/Agent) circle one

Ordinance No. 16-\_\_\_\_\_ (Cont.)  
Kroger Limited Partnership I, and GB Bradford Creek, LLC

ADOPTED this the 3rd day of November, 2016.

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

APPROVED this the 3rd day of November, 2016.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama