

ORDINANCE NO. 23-630

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 the vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Branch Hays Farm OP Associates, LP**, is the owner of the property across which said easement lies; that said easement, or the 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:

PREPARED BY:
Brian P. Cain, Esq.
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 1800
Atlanta, GA 30339
(770) 956-9600

STATE OF ALABAMA
COUNTY OF MADISON

QUITCLAIM RELEASE DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the **CITY OF HUNTSVILLE**, an Alabama municipal corporation, ("**Grantor**"), in hand paid by **BRANCH HAYS FARM OP ASSOCIATES, LP**, a Delaware limited partnership ("**Grantee**"), the receipt whereof is hereby acknowledged, Grantor does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the real estate situated in the County of Madison, State of Alabama and being more particularly described in **Exhibit "A"** attached hereto and incorporated herein and being depicted in **Exhibit "B"** attached hereto and incorporated herein ("**Property**"), to-wit:

TO HAVE AND TO HOLD the same unto the said Grantee, and to its heirs, successors and assigns, so that neither Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed by its Mayor and City Clerk, pursuant to Ordinance No: 23-630, as of this 10th day of August, 2023.

CITY OF HUNTSVILLE, an Alabama municipal corporation

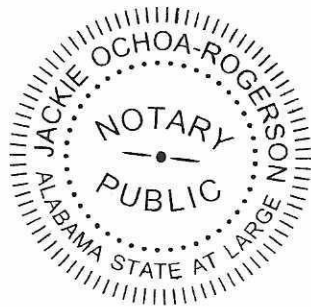
By: Tommy Battle
Tommy Battle, Mayor


ATTEST:

By: S. Edwards
Shaundrika Edwards, City Clerk

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk, respectively, of the City of Huntsville, an Alabama 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 this conveyance, they, as Mayor and City Clerk, respectively, and with full authority, executed the same voluntarily for and as the act of the City of Huntsville.

Given under my hand and official seal this 10th day of August, 2023.





NOTARY PUBLIC

MY COMMISSION EXPIRES 01-05-2027

My Commission Expires: _____

EXHIBIT "A"

(Easement No. 1 [Lot 1B] being Vacated)

EASEMENT 1

STATE OF ALABAMA
MADISON COUNTY

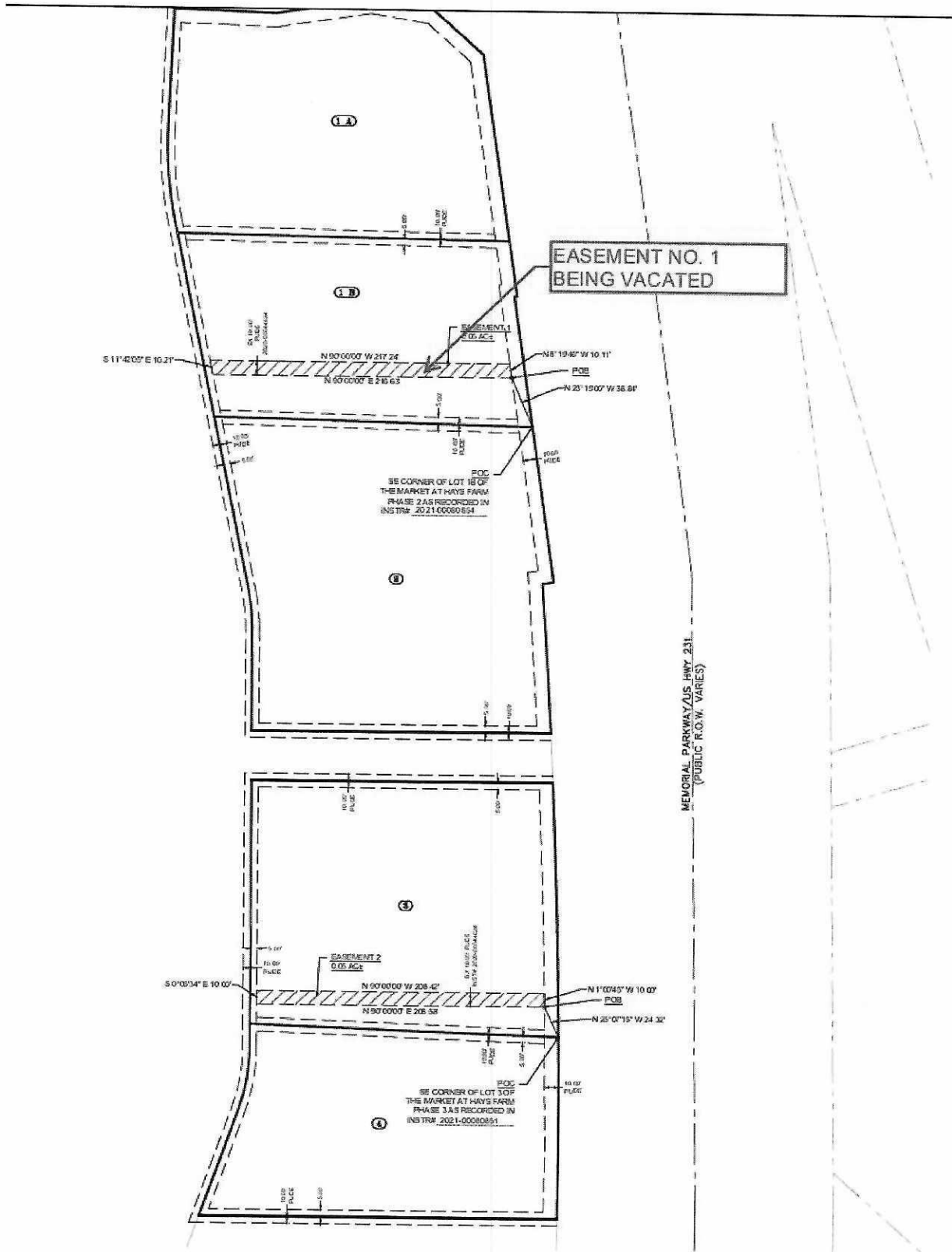
PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1B THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 2 AS RECORDED IN INSTRUMENT NUMBER 2021-00080854 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 23 DEGREES 15 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 38.84 FEET TO THE POINT OF BEGINNING;

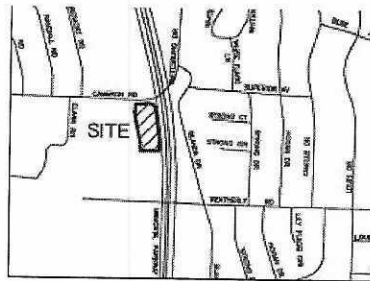
THENCE, FROM THE POINT OF BEGINNING, NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 216.63 FEET TO A POINT; THENCE, NORTH 11 DEGREES 42 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 10.21 FEET TO A POINT; THENCE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 217.24 FEET TO A POINT; THENCE, SOUTH 08 DEGREES 19 MINUTES 46 SECONDS EAST A DISTANCE OF 10.11 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.05 ACRES (2169 SQUARE FEET) MORE OR LESS.

EXHIBIT B
(Plat of Easement being Released)
(2 pages attached)



Branch-Hays Farm/Quitclaim Deed to Vacate Easement No. 1 on Lot 1B - Branch_Hays Farm/pg. 5/8/3/2023



VICINITY MAP
(NOT TO SCALE)

LEGEND		ABBREVIATIONS	
□	CONCRETE MONUMENT FOUND	CD	CALCULATED
■	CONCRETE MONUMENT SET (SMTH)	CFP	CAPRECORD PIN FOUND
○	PROPERTY CORNER FOUND	CFPS	CAPRECORD PIN SET
●	PROPERTY CORNER SET (SMTH)	CMF	CONCRETE MONUMENT FOUND
△	CALCULATED POINT	CTR	CRIMP TOP PILE FOUND
---	SUBJECT PROPERTY LINE	EMN1	ELEVATION
---	ADJOINER PROPERTY LINE	F.F.S	FINISHED FLOOR ELEVATION
---	EASEMENT	IM	MEASURED
		MBL	MINIMUM BUILDING LINE
		MRF	MAGNICAL FOUND
		OTF	OPEN TOP PILE
		P.O.B	POINT OF BEGINNING
		P.O.C	POINT OF COMMENCEMENT
		R	RECORDED
		R.O.W	RIGHT OF WAY
		R.R.F.	RAIL ROAD SPIKE FOUND

EASEMENT 1

STATE OF ALABAMA
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1B THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 2 AS RECORDED IN INSTRUMENT NUMBER _____ IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 23 DEGREES 15 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 38.84 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 216.63 FEET TO A POINT, THENCE NORTH 11 DEGREES 42 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 10.21 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 217.24 FEET TO A POINT, THENCE SOUTH 05 DEGREES 10 MINUTES 46 SECONDS EAST A DISTANCE OF 10.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.05 ACRES (2192 SQUARE FEET) MORE OR LESS.

EASEMENT 2

STATE OF ALABAMA
MADISON COUNTY

PART OF AN EASEMENT LOCATED IN SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 THE FINAL PLAT OF THE MARKET AT HAYS FARM PHASE 3 AS RECORDED IN INSTRUMENT NUMBER _____ IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, THENCE NORTH 23 DEGREES 07 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 24.32 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 206.38 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 206.42 FEET TO A POINT, THENCE SOUTH 01 DEGREES 00 MINUTES 45 SECONDS EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.05 ACRES (2085 SQUARE FEET) MORE OR LESS.

SURVEYOR CERTIFICATION

I, ANTHONY SCOTT MANKRY, A REGISTERED PROFESSIONAL LAND SURVEYOR WITH THE FIRM OF 2 THE POINT SURVEYING, LLC, HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN-HEREON HAS BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.

ACCORDING TO THIS SURVEY, UNDER MY SUPERVISION, THIS THE

21ST DAY OF SEPTEMBER, 2021

ANTHONY SCOTT MANKRY PLS #35345

DRAWN BY: M.P.S. FILE DATE: 08/05/21 OFFICE DATE: 08/05/21 ADDRESS:	CHECKED BY: K.H.B. FILED DATE: 08/05/21 OFFICE DATE: 08/05/21 ADDRESS:	
EASEMENT VACATION THE MARKET AT HAYS FARM PHASE 2 HUNTSVILLE, ALABAMA SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 EAST		
2 THE POINT SURVEYING		
SHEET 1		


ORDINANCE NO. 23-630 (Cont.)

ADOPTED this the 10th day of August, 2023.



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

APPROVED this the 10th day of August, 2023.



Mayor of the City of
Huntsville, Alabama