

ORDINANCE NO. 23-790

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 utility and drainage easements; that the applicant has represented to the City of Huntsville that **Agape Builders, LLC**, is the owner of the property across which said easements lie; that said easements, or the portions being vacated, are not presently used and are 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 easements hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
MADISON COUNTY)

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, hereinafter referred to as “Grantor”, in consideration of the sum of Ten and No/100 (\$10.00) Dollars, in hand paid to it by **AGAPE BUILDERS, LLC, an Alabama limited liability company**, hereinafter referred to as “Grantee”, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby give, grant, bargain, and convey unto the said Grantee, all of the Grantor’s right, title, interest and claim in and to those certain portions of a 10-foot wide Utility and Drainage Easement, said real estate situated in the City of Huntsville, County of Madison, State of Alabama, and more particularly described as follows, to-wit: (A drawing depicting the areas to be vacated is attached hereto as Exhibit “A” and incorporated herein by reference.)

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 1

ALL THAT PART OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND LYING WITHIN TRACT 2B OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 12 AS RECORDED IN DOCUMENT NO. 2019-00024444 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS A PORTION OF A 10-FOOT WIDE UTILITY AND DRAINAGE EASEMENT ALONG THE BOUNDARY OF TRACT 2 OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 8 AS RECORDED IN DOCUMENT NO. 20080827000555500 IN SAID PROBATE OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED IRON PIN FOUND (SMITH) MARKING THE NORTHEAST CORNER OF LOT 2B OF BELLEWOOD PARK ELEVENTH ADDITION AS RECORDED IN DOCUMENT NO. 2019-00024429 IN SAID PROBATE OFFICE, AND HAVING ALABAMA STATE PLATE COORDINATES (EAST ZONE, NAD '83) OF N: 1528321.28, E: 435941.80; THENCE, ALONG THE BOUNDARY OF SAID TRACT 2B OF WALTON'S MOUNTAIN PHASE 12, NORTH 86 DEGREES 30 MINUTES 37 SECONDS EAST, 354.20 FEET TO A POINT; THENCE SOUTH 06 DEGREES 45 MINUTES 02 SECONDS WEST, 63.15 FEET TO THE POINT OF BEGINNING;

THENCE, FROM POINT OF BEGINNING, SOUTH 02 DEGREES 21 MINUTES 39 SECONDS EAST, 17.31 FEET TO A POINT; THENCE SOUTH 32 DEGREES 55 MINUTES 29 SECONDS WEST, 238.70 FEET TO A POINT; THENCE NORTH 49 DEGREES 37 MINUTES 01 SECOND WEST, 10.09 FEET TO A POINT; THENCE NORTH 32 DEGREES 55 MINUTES 29 SECONDS EAST, 251.52 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.056 ACRES (2451 SQUARE FEET) MORE OR LESS.

AND:

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 2

COMMENCING AT A 5/8-INCH CAPPED IRON PIN FOUND (SMITH) MARKING THE NORTHEAST CORNER OF LOT 2B OF BELLEWOOD PARK ELEVENTH ADDITION AS RECORDED IN DOCUMENT NO. 2019-00024429 IN SAID PROBATE OFFICE, AND HAVING ALABAMA STATE PLATE COORDINATES (EAST ZONE, NAD '83) OF N: 1528321.28, E: 435941.80; THENCE RUN ALONG THE BOUNDARY OF SAID TRACT 2B OF WALTON'S MOUNTAIN PHASE 12 FOR THE FOLLOWING COURSES: NORTH 86 DEGREES 30 MINUTES 37 SECONDS EAST, 354.20'; NORTH 02 DEGREES 21 MINUTES 39 SECONDS WEST, 158.59 FEET; NORTH 51 DEGREES 27 MINUTES 34 SECONDS WEST, 27.23 FEET; NORTH 02 DEGREES 58 MINUTES 27 SECONDS EAST, 38.47 FEET; AND NORTH 31 DEGREES 08 MINUTES 31 SECONDS WEST, 49.39 FEET; THENCE, LEAVING SAID BOUNDARY OF SAID TRACT 2B, NORTH 52 DEGREES 32 MINUTES 34 SECONDS EAST, 62.07 FEET TO THE POINT OF BEGINNING;

THENCE, FROM POINT OF BEGINNING, NORTH 23 DEGREES 32 MINUTES 40 SECONDS WEST, 33.44 FEET TO A POINT; THENCE NORTH 87 DEGREES 37 MINUTES 40 SECONDS EAST, 12.08 FEET TO A POINT; THENCE SOUTH 02 DEGREES 21 MINUTES 39 SECONDS EAST, 31.18 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.004 ACRES (188 SQUARE FEET) MORE OR LESS.

AND:

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 3

ALL THAT PART OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND LYING WITHIN TRACT 2B OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 12 AS RECORDED IN DOCUMENT NO. 2019-00024444 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS A PORTION OF A 10-FOOT WIDE UTILITY AND DRAINAGE EASEMENT ALONG THE BOUNDARY OF TRACT 2 OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 8 AS RECORDED IN DOCUMENT NO. 20080827000555500 IN SAID PROBATE OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED IRON PIN FOUND (SMITH) MARKING THE NORTHEAST CORNER OF LOT 2B OF BELLEWOOD PARK ELEVENTH ADDITION AS RECORDED IN DOCUMENT NO. 2019-00024429 IN SAID PROBATE OFFICE, AND HAVING ALABAMA STATE PLATE COORDINATES (EAST ZONE, NAD '83) OF N: 1528321.28, E: 435941.80; THENCE RUN ALONG THE BOUNDARY OF SAID TRACT 2B OF WALTON'S MOUNTAIN PHASE 12 FOR THE FOLLOWING COURSES: NORTH 86 DEGREES 30 MINUTES 37 SECONDS EAST, 354.20'; NORTH 02 DEGREES 21 MINUTES 39 SECONDS WEST, 158.59 FEET; NORTH 51 DEGREES 27 MINUTES 34 SECONDS WEST, 27.23 FEET; NORTH 02 DEGREES 58 MINUTES 27 SECONDS EAST, 38.47 FEET; AND NORTH 31 DEGREES 08 MINUTES 31 SECONDS WEST, 49.39 FEET; THENCE, LEAVING SAID BOUNDARY OF SAID TRACT 2B, NORTH 22 DEGREES 36 MINUTES 59 SECONDS EAST, 62.73 FEET TO THE POINT OF BEGINNING;

THENCE, FROM POINT OF BEGINNING, SOUTH 87 DEGREES 37 MINUTES 40 SECONDS WEST, 35.98 FEET TO A POINT; THENCE NORTH 26 DEGREES 07 MINUTES 31 SECONDS WEST, 10.93 FEET TO A POINT; THENCE

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its behalf by its Mayor and attested by its City Clerk, on this the 28th day of September, 2023.

ATTEST:

**CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation**

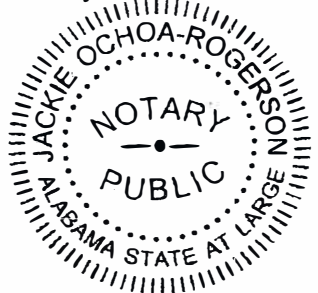
By: *S. Edwards*
Name: Shaundrika Edwards
Title: City Clerk

By: *Tommy Battle*
Name: Tommy Battle
Title: Mayor

STATE OF ALABAMA)
 :
MADISON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **TOMMY BATTLE** and **SHAUNDRIKA EDWARDS**, whose names as Mayor and City Clerk, respectively, of the **CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation**, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this the 28th day of September, 2023.

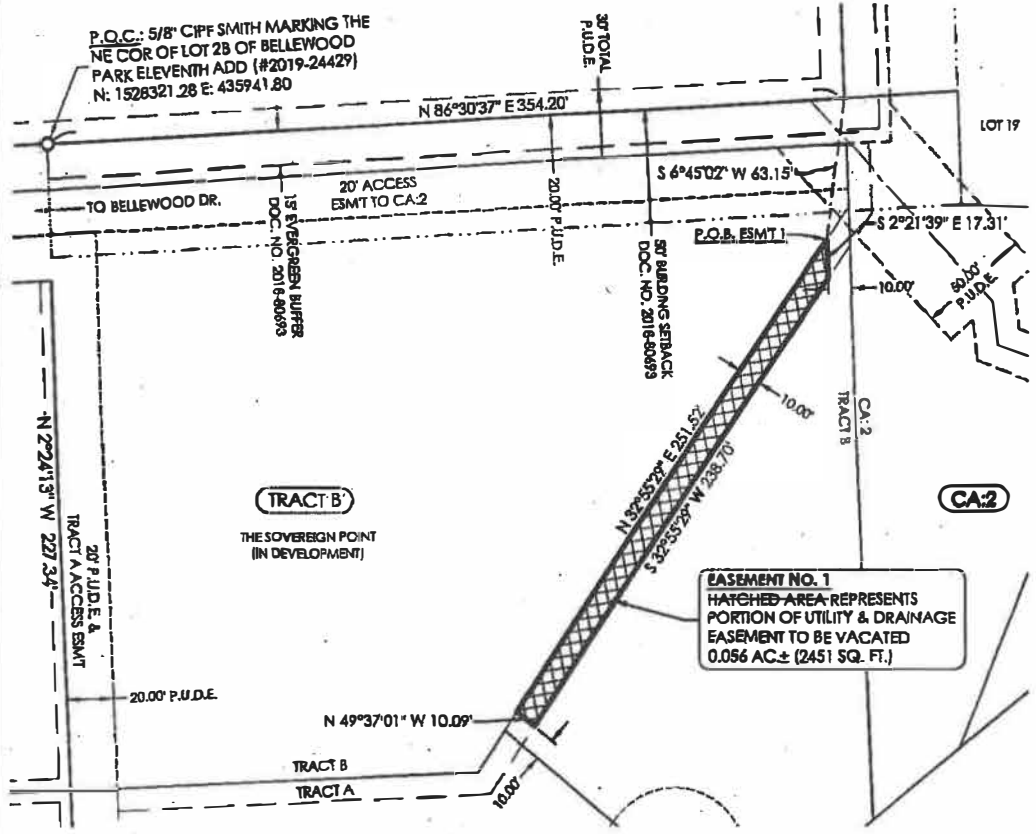


Jackie Ochoa-Rogerson
Notary Public
My Commission Expires: MY COMMISSION EXPIRES 01-05-2027

THIS INSTRUMENT WAS PREPARED BY: ROBERT E. RAWLINSON, ESQ., 4245 BALMORAL DRIVE SW, STE. 205, HUNTSVILLE, AL 35801 (256) 489-0725

CAPITAL A

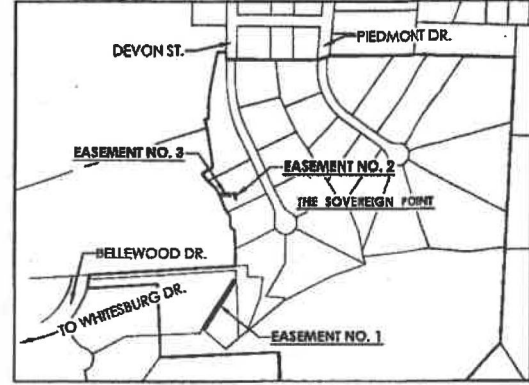
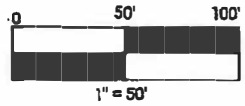
McPherson ST/100040 Madison Meridian Survey/01/06/18/817 ESMT/100040



ABBREVIATIONS	
AC.	ACRES
C.I.P.F.	CAPPED IRON PIN FOUND
ESMT	EASEMENT
EX.	EXISTING
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.U.D.E.	PUBLIC U & D EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
U & D	UTILITY & DRAINAGE

- GENERAL NOTES:**
- NORTH ARROW AND COORDINATES AS SHOWN HEREON ARE BASED ON ALABAMA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD '83.
 - ALL MEASUREMENTS SHOWN ARE IN U.S. SURVEY FEET.
 - NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED SURVEYOR OR EXCEPT AS SHOWN.

PROPERTY OWNER
 AGAPE BUILDERS, LLC
 8039 TEA GARDEN RD. SE
 HUNTSVILLE, AL 35802
 DOC. NO. 2020-164503



VICINITY MAP
 SCALE 1" = 500'

METES AND BOUNDS DESCRIPTION

STATE OF ALABAMA
 COUNTY OF MADISON

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 1

ALL THAT PART OF THE SOUTH HALF OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA AND LYING WITHIN TRACT 28 OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 12 AS RECORDED IN DOCUMENT NO. 2019-00024444 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING FURTHER DESCRIBED AS A PORTION OF A 10-FOOT WIDE UTILITY AND DRAINAGE EASEMENT ALONG THE BOUNDARY OF TRACT 2 OF THE FINAL PLAT OF WALTON'S MOUNTAIN PHASE 8 AS RECORDED IN DOCUMENT NO. 2008082700053500 IN SAID PROBATE OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED IRON PIN FOUND (SMITH) MARKING THE NORTHEAST CORNER OF LOT 28 OF BELLEWOOD PARK ELEVENTH ADDITION AS RECORDED IN DOCUMENT NO. 2019-00024429 IN SAID PROBATE OFFICE, AND HAVING ALABAMA STATE PLATE COORDINATES (EAST ZONE, NAD '83) OF: N: 1528321.28, E: 433941.80; THENCE, ALONG THE BOUNDARY OF SAID TRACT 28 OF WALTON'S MOUNTAIN PHASE 12, NORTH 86 DEGREES 30 MINUTES 37 SECONDS EAST, 354.20 FEET TO A POINT; THENCE SOUTH 06 DEGREES 45 MINUTES 02 SECONDS WEST, 63.15 FEET TO THE POINT OF BEGINNING;

THENCE, FROM POINT OF BEGINNING, SOUTH 02 DEGREES 21 MINUTES 39 SECONDS EAST, 17.31 FEET TO A POINT; THENCE SOUTH 82 DEGREES 55 MINUTES 29 SECONDS WEST, 238.70 FEET TO A POINT; THENCE NORTH 49 DEGREES 37 MINUTES 01 SECOND WEST, 10.09 FEET TO A POINT; THENCE NORTH 32 DEGREES 55 MINUTES 29 SECONDS EAST, 251.52 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING 0.056 ACRES (2451 SQUARE FEET) MORE OR LESS.

SO-100-01
 Civil Engineering | Land Surveying | Construction Architecture
 Environmental | Water Resources | Laser Scanning | Mapping

8825 3rd Street South
 Birmingham, AL 35226-3114
 205.987.1341

7800 Memorial Park Dr., Ste 300
 Birmingham, AL 35242-3502
 205.987.1341

SHEET 1 OF 2 EXHIBIT DRAWING - EASEMENT VACATION

NEAR BELLEWOOD DR. SE, HUNTSVILLE, AL 35802

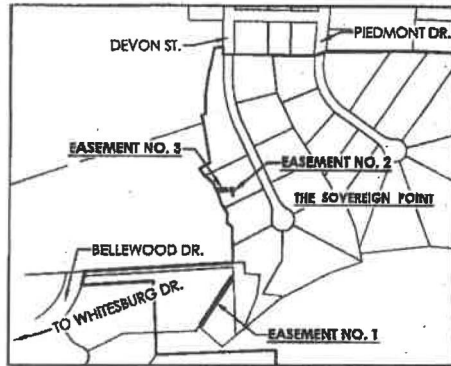
PORTION OF UTILITY & DRAINAGE EASEMENT TO BE VACATED
 LYING WITHIN TRACT 28 OF WALTON'S Mtn. Ph. 12 (DOC. NO. 2019-24444)

(SUBDIVISION PRESENTLY IN DEVELOPMENT AS THE SOVEREIGN POINT)

CITY OF HUNTSVILLE MADISON COUNTY, ALABAMA
 SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST

PROJ. NO. 2100040
 DRAWN BY: WBS
 CHECKED BY: BT

DATE 10.06.22
 SCALE: 1" = 50'



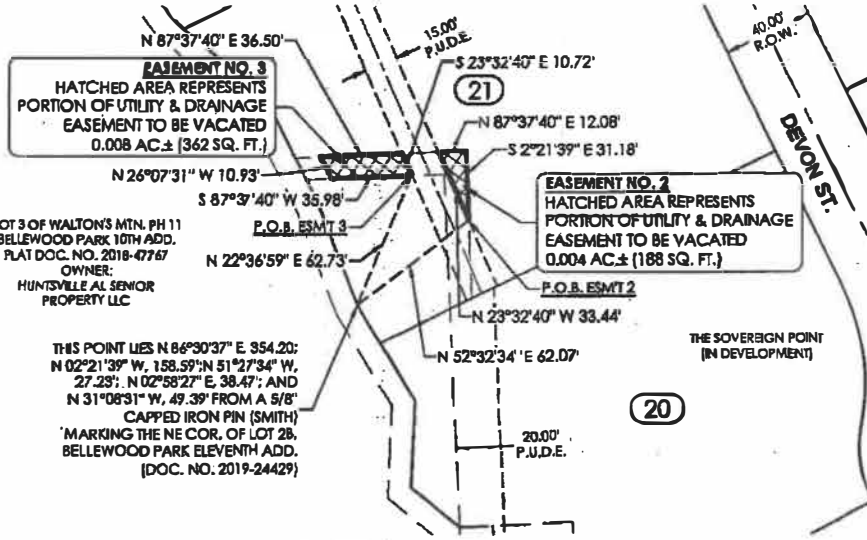
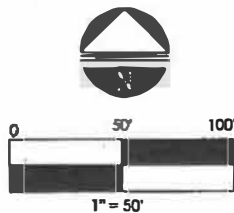
VICINITY MAP
SCALE: 1" = 600'

GENERAL NOTES:

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R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
U & D	UTILITY & DRAINAGE

PROPERTY OWNER
AGAPE BUILDERS, LLC
8033 TEA GARDEN RD. SE
HUNTSVILLE, AL 35802
DOC. NO. 2020-104503



EASEMENTS NO. 2 & 3

STATE OF ALABAMA
COUNTY OF MADISON

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 2

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STATE OF ALABAMA
COUNTY OF MADISON

PORTION OF A 10-FOOT WIDE UTILITY & DRAINAGE EASEMENT TO BE VACATED

EASEMENT NO. 3

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Client: Engineering | Land Services | Licensure Administration
Environment | Water Resources | Labor Accounting | Modeling

1000 20th Avenue South, Suite 7000, Huntsville, AL 35894
Phone: 256-336-1111 | Fax: 256-336-1121

SHEET 2 OF 2 EXHIBIT DRAWING - EASEMENT VACATION

NEAR DEVON ST. SE, HUNTSVILLE, AL 35802

PORTIONS OF UTILITY & DRAINAGE EASEMENT TO BE VACATED LYING WITHIN TRACT 28 OF WALTON'S MOUNTAIN PH. 12 (DOC. NO. 2019-24444) (SUBDIVISION PRESENTLY IN DEVELOPMENT AS 'THE SOVEREIGN POINT')

CITY OF HUNTSVILLE MADISON COUNTY, ALABAMA
SECTION 7, TOWNSHIP 4 SOUTH, RANGE 1 EAST

PROJ. NO. 210642H
DRAWN BY: HMG
CHECKED BY: BR

DATE: 10.06.22
SCALE: 1" = 50'

H:\Projects\21100642H_Walton's Mountain Subdivision Survey\210642_Sheet 2.dwg

Ordinance No. 23-790 (Cont.)

ADOPTED this the 28th day of September, 2023.



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

APPROVED this the 28th day of September, 2023.



Mayor of the City of Huntsville,
Alabama