

ORDINANCE NO. 21-_____

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 **Compass Living AL 2019, LLC**, 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:

This Instrument Prepared By:

Katherine Amos Beasley
Attorney for Grantor
Wilmer & Lee, PA
100 Washington Street
Huntsville, Alabama 35801
(256) 533-0202

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

STATE OF ALABAMA

COUNTY OF MADISON

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF HUNTSVILLE, an Alabama municipal corporation, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by COMPASS LIVING AL 2019, LLC, a Georgia limited liability company, hereinafter referred to as Grantee, the receipt whereof is hereby acknowledged, and other good and valuable consideration, does hereby remise, release, quitclaim and convey unto the said Grantee all of its right, title, interest, and claim in and to the following described real estate situated in the County of Madison, State of Alabama, to-wit (the "Easement"):

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

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

IN WITNESS WHEREOF, the City of Huntsville, has caused this instrument to be duly executed by its Mayor and Clerk-Treasurer, pursuant to Resolution No: _____, as of this the 9th day of September, 2021.

CITY OF HUNTSVILLE, an Alabama municipal
corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST:

Kenneth Benion, City Clerk-Treasurer

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and 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, are signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, municipal corporation.

Given under my hand and official seal this 9th day of September, 2021.

NOTARY PUBLIC

My Commission Expires: _____

Pursuant to and in accordance with Section 40-22-1 of the Code of Alabama (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Address: Post Office Box 308, Huntsville, Alabama 35804-0308
Grantee's Address: 3930 East Jones Bridge Road, Ste. 2, Peachtree Corners, GA 30092
Property Address: +/-0.05 U&D Easement in S 31, T3S, R1W
Property Value: NO VALUE – THE PURPOSE OF THIS INSTRUMENT IS TO CLEAR TITLE

EXHIBIT "A"
(Easement to be Vacated)

A tract of land lying and being in Section 31, Township 3 South, Range 1 West of the Huntsville Meridian, and being more particularly described as follows;

Tract 1 - Property Description to Accommodate Request to Vacate the West 5' of an Existing 10' Public Utility and Drainage Easement:

Commencing at a #5 rebar with a cap stamped "Garver LLC CA 445" found at the northeast corner of Lot 1 of MidCity Subdivision Phase 11 as recorded in the Office of the Judge of Probate for Madison County, Alabama in Instrument Number 2019-00055877; thence along the right-of-way of Old Monrovia Road, South 3 Degrees 23 Minutes 24 Seconds West for a distance of 10 feet; thence leaving said right of way, North 89 Degrees 19 Minutes 44 Seconds West a distance of 5 feet to a #5 rebar with a cap stamped "Garver LLC CA 445" set on a curve to the left, having a radius of 1814.85 feet, a chord of South 0 Degrees 17 Minutes 45 Seconds East, and a chord distance of 222.86 feet said point being the Point of Beginning of the herein described tract, having established grid coordinates of N 1541795.77, E 406913.77 of the Alabama State Plane Coordinate System, Zone East of North American Datum of 1983 (NAD83);

Thence along the arc of said curve 223.00 feet to the point of curvature of a curve to the right, having a radius of 1065.28 feet, a chord of South 2 Degrees 48 Minutes 30 Seconds West and a chord distance of 245.78 feet; thence along the arc of said curve 246.33 feet; thence South 9 Degrees 25 Minutes 58 Seconds West a distance of 9.30 feet; thence North 56 Degrees 39 Minutes 44 Seconds West a distance of 5.47 feet to the west boundary of an existing Public Utility and Drainage Easement; thence along said west boundary of easement North 9 Degrees 25 Minutes 58 Seconds East a distance of 7.09 feet to the point of curvature of a curve to the left, having a radius of 1065.28 feet, a chord of North 2 Degrees 48 Minutes 30 Seconds East and a chord distance of 244.62 feet; thence along the arc of said curve 245.16 feet to point of curvature of a curve to the right, having a radius of 1819.85 feet, a chord of North 0 Degrees 17 Minutes 57 Seconds West and a chord distance of 223.26 feet; thence along the arc of said curve 223.40 feet; thence South 89 Degrees 19 Minutes 44 Seconds East a distance of 5.00 feet to the POINT OF BEGINNING.

The above described tract contains 0.05 acres (2391.40 sq. ft.) more or less.

Ordinance No. 21-_____ (Cont.)

ADOPTED this the 9th day of September, 2021.

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

APPROVED this the 9th day of September, 2021.

Mayor of the City of
Huntsville, Alabama