

## ORDINANCE NO. 24-170

### *Ordinance to Declare Property as Surplus and Authorizing and Directing its Conveyance*

**WHEREAS**, the City of Huntsville, an Alabama municipal corporation (“City”), is the owner of certain real property situated in Huntsville, Madison County, Alabama, containing 1.97 acres, more or less, as more particularly described as follows in Exhibit “A” attached hereto (the “Subject Property”); and

**WHEREAS**, The National Children’s Advocacy Center, Inc. an Alabama non-profit corporation (“NCAC”), which provides prevention, intervention, and treatment services to physically, mentally, and sexually abused children and their families, has requested that the City declare the Subject Property as surplus and offer the same for conveyance for the use, operation, and maintenance of the National Children’s Advocacy Center (the “Children’s Advocacy Center”); and

**WHEREAS**, the City Council of the City of Huntsville, Alabama, as evidenced by Resolution No. 99-901 and 08-252, expressed its support for NCAC and the Children’s Advocacy Center, authorizing and approving the City’s lease of the Subject Property to the NCAC for the operation of the Children’s Advocacy Center and such related purposes; and

**WHEREAS**, it is the opinion of the Mayor and the City Council of the City of Huntsville, Alabama, that pursuant to §11-47-20 of the Alabama Code (1975), that the Subject Property is no longer used or needed for municipal purposes; and

**WHEREAS**, the Mayor of the City of Huntsville is hereby authorized to enter into that certain Donation Agreement between the City of Huntsville and NCAC, attached hereto as Exhibit “B” (the “Agreement”), pursuant to the terms and conditions contained therein, the Subject Property will be donated to NCAC in exchange for Ten and No/100 Dollars (\$10.00), and subject to the condition that the Subject Property be used, operated, and maintained as the Children’s Advocacy Center campus, which provides multi-agency training, educational programs and comprehensive services to victims and their families; and

**WHEREAS**, in the opinion of the Mayor and the City Council of the City of Huntsville, Alabama, said compensation is fair and reasonable compensation for the Subject Property, and that donation of the Subject Property to NCAC for its use, operation, and maintenance as the Children’s Advocacy Center, and the services provided by NCAC constitute a legitimate public service and benefits the citizens of the City of Huntsville and surrounding areas; and

**WHEREAS**, it is necessary for the Mayor to execute a statutory warranty deed for the Subject Property to NCAC and such deed shall contain a reversionary clause that the Subject Property shall be used, operated, and maintained for the Children’s Advocacy Center and other related purposes, as set forth by and as further described within the Agreement; and

**WHEREAS**, a general and permanent ordinance is necessary to effect declaration of surplus property, for the transfer or sale of said surplus property, and to authorize the Mayor to execute a deed to the grantee of surplus property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA, AS FOLLOWS:**

1. The Subject Property is found and determined not to be needed for public or municipal purposes by the City of Huntsville and is hereby declared as surplus property in accordance with the requirements of §11-47-20 of the *Code of Alabama* (1975); and
2. The Mayor of the City of Huntsville is hereby authorized and directed to execute the Agreement and to execute and deliver all documents required to close said conveyance and donation for and on behalf of the City; and
3. The City Clerk for the City of Huntsville is hereby instructed to publish notice of this Ordinance in accordance with §11-45-8 of the *Code of Alabama* (1975); and
4. A copy of said real estate closing documents, as legally required, will be kept on file in the office of the City Clerk of the City of Huntsville, Alabama; and
5. This ordinance shall become effective upon its approval, adoption, enactment, and publication by posting as set forth in §11-45-8(b) of the *Code of Alabama* (1975).

**ADOPTED** this the 28th day of March, 2024.

/s/ David Little  
President of the City Council of  
the City of Huntsville, Alabama

**APPROVED** this the 28th day of March, 2024.

/s/ Tommy Battle  
Mayor of the City of Huntsville,  
Alabama

**EXHIBIT "A"**  
**(Legal Description of Subject Property)**

The following described property located in Madison County, Alabama:

Lot 1, Block 320 according to the Quigley Map as recorded in the Office of the Judge of Probate of Madison County, Alabama; and

Lots 6-11 Moores Field Addition as recorded in Plat Book 1, Page 172 in the Office of the Judge of Probate of Madison County, Alabama.

Such property also described as:

Begin at the Northwest corner of Lot 1 Block 320 of the Quigley Map said Point is a Smith capped pin located at Alabama State Plane Coordinates East Zone North: 1542657.11 East: 430692.8435; thence run North 59 degrees 20 minutes 32 seconds East a distance of 597.52 feet; thence run South 32 degrees 12 minutes 04 seconds East a distance of 143.74 feet to a McElroy capped pin found at the Northeast corner of Lot 11 of Moore's Field Addition as recorded in Plat Book 1 Page 172 at the Madison County Courthouse; thence run along the South line of Moore's Field Addition and Quigley Map South 59 degrees 20 minutes 32 seconds West a distance of 597.52 feet to a Smith capped pin on the East margin of Dallas Street; thence run along said margin North 32 degrees 12 minutes 04 seconds West a distance of 143.74 feet to the Point of Beginning containing 1.97 acres more or less. This tract previously described as Eastside Community Center and Facilities Maintenance Building located at Dallas and Howe.

**EXHIBIT “B”**  
**(Donation Agreement)**

*[Attach copy of Donation Agreement between the City of Huntsville and The National Children’s  
Advocacy Center, Inc.]*