

ORDINANCE NO. 24-198

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 **ESV Investments, 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:
Benjamin W. Hutton
Bradley Arant Boult Cummings LLP
200 Clinton Avenue West, Suite 900
Huntsville, Alabama 35801
(256) 517-5100

The following information is offered in lieu of submitting an RT-1 Real Estate Sales Validation Form pursuant to Section 40-22-1 of the Code of Alabama (1975):

RECORDING USE ONLY

Grantor's Name/Mailing Address:
City of Huntsville, Alabama
308 Fountain Circle
P.O. Box 308
Huntsville, Alabama 35801

Grantee's Name/Mailing Address:
ESV Investments, LLC
2285 Northwest Parkway SE
Marietta, GA 30067

Property address: n/a
Date of sale: March ____, 2024
Purchase price: n/a

The purchase price or actual value claimed in this instrument can be verified in the following documentary evidence:

☐ Bill of Sale ☐ Sales Contract ☐ Closing Statement ☐ Appraisal ☒ Other

QUITCLAIM DEED FOR VACATION OF EASEMENT

WHEREAS, the **City of Huntsville, Alabama** (the "Grantor") is the holder of an easement for utilities and drainage as shown in Plat Book H, Page 80, recorded in the Office of the Judge of Probate of Limestone County, Alabama, the relevant portion of which is more particularly described on Exhibit A attached hereto (the "Easement Property"); and

WHEREAS, the Grantor has agreed to vacate the Easement Property and to convey all of its right, title and interest in and to the Easement Property to **ESV Investments, LLC**, an Alabama limited liability company (the "Grantee").

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, that the Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, does hereby remise, release, and forever quitclaim to the Grantee, all its right, title, interest and claim in and to the Easement Property.

Grantor attests, to the best of its knowledge and belief, that the information submitted in the legend at the beginning of this Deed in lieu of the RT-1 Real Estate Sales Validation Form is true and accurate, and Grantor understands that any false statements contained in such information may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1(h).

TO HAVE AND TO HOLD the Easement Property unto the Grantee forever.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on or as of the 28th day of March, 2024.

CITY OF HUNTSVILLE, ALABAMA

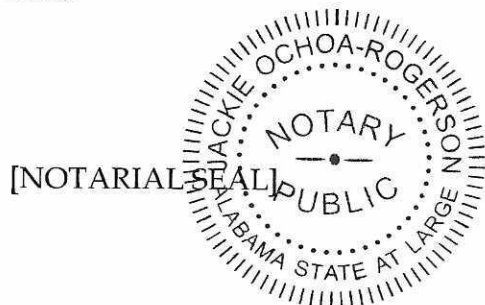
By: Tommy Battle
Tommy Battle, Mayor

Attest: S. Edwards
Shaundrika Edwards, Clerk

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 Shaundrika Edwards, whose names as Mayor and City Clerk respectively, of The City of Huntsville, Alabama, a municipal corporation are signed to the foregoing document, 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 for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 28 day of March, 2024.



Jackie Ochoa-Rogers
Notary Public

My commission expires: MY COMMISSION EXPIRES 01-05-2027

EXHIBIT A

Property Description

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 3 TOWNSHIP 5 SOUTH RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA: BEING THE SAME PROPERTY DESIGNATED FOR UTILITIES AND/OR DRAINAGE ALONG THE EAST BOUNDARY LINE OF LOT 5 OF CHASE FARM AT GREENBRIER PHASE 3 AS RECORDED IN PLAT BOOK H PAGE 80 AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF LIMESTONE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A 5/8 INCH CAPPED REBAR (GW JONES) AT THE SOUTHEAST CORNER OF LOT 5 OF SAID CHASE FARM AT GREENBRIER PHASE 3; THENCE, ALONG SAID EAST BOUNDARY OF SAID LOT 5, NORTH 0 DEGREES 50 MINUTES 47 SECONDS EAST FOR 50.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE, FROM THE TRUE POINT OF BEGINNING AND PARALLEL WITH THE SOUTH BOUNDARY OF SAID CHASE FARM AT GREENBRIER PHASE 3, NORTH 89 DEGREES 09 MINUTES 45 SECONDS WEST FOR 10.00 FEET; THENCE, PARALLEL TO THE EAST BOUNDARY OF LOT 5 OF SAID CHASE FARM AT GREENBRIER PHASE 3, NORTH 0 DEGREES 50 MINUTES 47 SECONDS EAST FOR 456.35 FEET TO A POINT ON THE SOUTH MARGIN OF A 10 FEET WIDE UTILITY AND DRAINAGE EASEMENT ALONG THE SOUTH RIGHT-OF-WAY OF ONE AVIATION WAY; THENCE, PARALLEL TO SAID SOUTH RIGHT-OF-WAY, NORTH 78 DEGREES 52 MINUTES 33 EAST FOR 20.44 FEET; THENCE, PARALLEL TO THE EAST BOUNDARY OF LOT 5 OF SAID CHASE FARM AT GREENBRIER PHASE 3, SOUTH 0 DEGREES 50 MINUTES 47 SECONDS WEST FOR 460.59 FEET TO A POINT ON THE NORTH MARGIN OF A 10 FEET WIDE UTILITY AND DRAINAGE EASEMENT; THENCE NORTH 89 DEGREES 09 MINUTES 45 SECONDS WEST FOR 10 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.21 ACRES, MORE OR LESS.

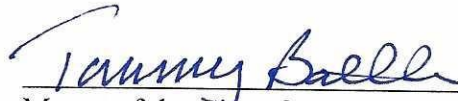
Ordinance No. 24-198 (Cont.)

ADOPTED this the 28th day of March, 2024.



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

APPROVED this the 28th day of March, 2024.



Mayor of the City of Huntsville,
Alabama