

ORDINANCE NO. 2023-123

**AN ORDINANCE DECLARING PROPERTY LOCATED SOUTH OF POWELL ROAD
SURPLUS AND AUTHORIZING THE CONVEYANCE OF THE PROPERTY TO
HERITAGE HILLS OWNERS ASSOCIATION, INC.**

WHEREAS, on March 16, 2022, the City of Madison adopted a Memorandum of Agreement with Heritage Hills Owners Association, Inc. (herein “the HOA”) whereby the City agreed to accept a donation of 3.62 +/- acres of Property located south of Powell Road for the establishment of a greenway near the HOA (herein “the Property”); and

WHEREAS, on March 18, 2022, said Property was conveyed to the City; and

WHEREAS, the March 18, 2022 conveyance of Property included Common Area 1A and Common Area 1B, as recorded in Plat Book J, Page 417, in the Office of the Judge of Probate of Limestone County and more specifically described by the attached Deed and EXHIBIT A: Legal Description; and

WHEREAS, the City has determined that Common Area 1A and Common Area 1B of the Property were erroneously conveyed to the City of Madison; and

WHEREAS, the City seeks to correct the scrivener’s error by conveying Common Area 1A ad Common Area 1B of the Property to the HOA; and

WHEREAS, the exchange of the Property serves a public purpose;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON,
ALABAMA, AS FOLLOWS:**

SECTION 1. That it is hereby established and declared that the real Property, which is described below and more specifically described within the attached Deed and Exhibit A, is no longer needed for public or municipal purposes and is hereby declared surplus:

Common Area 1A and Common Area 1B according to the Final Plat for Heritage Hills-Phase I, as recorded in Plat Book J, Page 417, in the Office of the Judge of Probate of Limestone County, Alabama.

SECTION 2. That the Mayor and City Clerk are authorized and directed to execute and attest, respectively, for and on behalf of the City of Madison, Alabama, all documents necessary to effectuate such conveyance.

READ, PASSED, AND ADOPTED this 10th day of April, 2023.

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of April 2023.

Paul Finley, Mayor
City of Madison, Alabama