

ORDINANCE NO. 2023-099

**AN ORDINANCE GRANTING A UTILITY EASEMENT
ACROSS CITY PROPERTY AND CONVEYING TWO TRACTS OF PROPERTY TO
MADISON UTILITIES**

BE IT HEREBY FOUND AND ORDAINED by the City Council of the City of Madison, Alabama, as follows:

SECTION 1. That a request has been presented to the City of Madison on behalf of the Water and Wastewater Board of the City of Madison, doing business as Madison Utilities (hereinafter, "Madison Utilities"), an Alabama public utility corporation, requesting the granting of a public utility and easement across two tracts of City-owned property as depicted on Exhibit A, Exhibit B attached hereto and described as follows:

A 50 FOOT WIDE PERMANENT UTILITY, DRAINAGE, AND INGRESS AND EGRESS EASEMENT LOCATED IN THE SE ¼ OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND BEING LOCATED ON THAT PROPERTY DESCRIBED IN DEED BOOK 461 PAGE 233 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF TRACT A OF CHELSEA PARK AS RECORDED IN INSTRUMENT 20100506000235370 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, THENCE S 02°46'23" E FOR 39.59' TO A CAPPED IRON PIN FOUND (BIG SPRINGS SURVEYORS) AT THE NORTHWEST CORNER OF LOT 23 OF THE RESERVE AT BRIDGEFIELD AND A RESUBDIVISION OF LOTS 30, 31, AND 32 OF BRIDGEFIELD SUBDIVISION, FOURTH ADDITION AS RECORDED IN DOCUMENT 20041201000539590, THENCE S 88°54'18" E ALONG THE NORTH LINE OF THE RESERVE AT BRIDGEFIELD FOR 610.10' TO A 5/8" REBAR FOUND, THENCE N 01°57'31" E FOR 224.06' TO AN IRON PIN SET, THENCE S 88°57'45" E FOR 545.30' TO THE POINT OF BEGINNING OF SAID 50' EASEMENT, THENCE N 02°02'40" E FOR 356.77' TO THE PC OF A CURVE TO THE LEFT HAVING A RADIUS OF 155.00', A TANGENT OF 69.95', AND A CHORD BEARING AND DISTANCE OF N 22°14'43" W FOR 127.52' TO A POINT, THENCE N 46°32'06" E FOR 102.20' TO THE PC OF A CURVE TO THE LEFT HAVING A RADIUS OF 175.00', A TANGENT OF 68.86', AND A CHORD BEARING AND DISTANCE OF N 68°00'55" W FOR 128.16' TO A POINT, THENCE N 89°29'43" W FOR 1121.21' TO A POINT, THENCE N 00°31'34" E FOR 50.00' TO A POINT, THENCE S 89°29'43" E FOR 1121.19' TO THE PC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 225.00', A TANGENT OF 88.54', AND A CHORD BEARING AND DISTANCE OF S 68°00'55" E FOR 164.78' TO A POINT, THENCE S 46°32'06" E FOR 102.20' TO THE PC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 205.00', A TANGENT OF 92.52', AND A CHORD BEARING AND DISTANCE S 22°14'43" E FOR 168.65' TO A POINT,

THENCE S 02°02'40" W FOR 355.89' TO A POINT, THENCE N 88°57'45" W FOR 50.01' TO THE POINT OF BEGINNING.

SECTION 2. That Madison Utilities has requested the referenced utility easement is necessary to feed water into the Keene Water Plant.

SECTION 3. That the requested easement area is not presently used by the City, and it is not needed for public or municipal purposes.

SECTION 4. That Madison Utilities has also requested that the City transfer ownership of a portion of one tract of City owned property and transfer ownership of another tract of City owned property located near Liberty Drive as depicted on Exhibit C, Exhibit D attached hereto and described as follows:

Tract 1:

3.47 ACRES OF LAND LOCATED IN THE SE ¼ OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND BEING A PART OF THAT PROPERTY AS DESCRIBED IN DEED BOOK 451 PAGE 233 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF TRACT A OF CHELSEA PARK, DOCUMENT NO. 20100506000235370, THENCE S 02°46'23" E FOR 39.59' TO AN IRON PIN FOUND (BIG SPRINGS SURVEYORS) AT THE NORTHWEST CORNER OF LOT 23 OF THE RESERVE AT BRIDGEFIELD AND A RESUBDIVISION OF LOTS 30, 31 AND 32 OF BRIDGEFIELD SUBDIVISION, FOURTH ADDITION BEING DOCUMENT NO. 20041201000539590, THENCE ALONG THE NORTH LINE OF THE AFOREMENTIONED RESERVE AT BRIDGEFIELD S 88°54'18" E FOR 610.10' TO A 5/8" REBAR FOUND AT THE POINT OF BEGINNING, THENCE CONTINUE S 88°54'18" E ALONG THE RESERVE AT BRIDGEFIELD FOR 673.63' TO AN IRON PIN SET, THENCE N 01°57'31"E FOR 224.74' TO A 5/8" REBAR FOUND, THENCE N 88° 57'45" W FOR 673.64' TO AN IRON PIN SET, THENCE S 01°57'31" W FOR 224.06' TO THE POINT OF BEGINNING.

AND ALSO,

Tract 2:

4.92 ACRES LOCATED IN THE NE ¼ OF THE SE ¼ OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND BEING A PART OF THAT PROPERTY AS DESCRIBED IN DEED BOOK 451 PAGE 233 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8" REBAR FOUND AT THE SOUTHWEST CORNER OF LOT 21 OF A RESUBDIVISION OF TRACT ONE OF A RESUBDIVISION OF LIBERTY MANOR

AS RECORDED IN PLAT BOOK 28 PAGE 16 IN THE OFFICE OF THE PROBATE JUDGE OF MADISON COUNTY, ALABAMA, THENCE S 88°57'51" E ALONG THE SOUTH LINE OF SAID LIBERTY MANOR FOR 428.52' TO AN IRON PIN SET ON THE EAST LINE OF AN EXISTING UNNAMED ROAD, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 78.40' AND A CENTRAL ANGLE OF 36°54'14" A CHORD BEARING AND DISTANCE OF N 19°38'58" E FOR 49.63' TO THE SOUTH RIGHT OF WAY OF LIBERTY DRIVE, THENCE LIBERTY DRIVE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 226.57' AND A CENTRAL ANGLE OF 38°38'17" A CHORD BEARING AND DISTANCE OF S 69°43'44" E FOR 149.91' TO A POINT, THENCE CONTINUE ALONG THE SOUTH RIGHT OF WAY OF LIBERTY DRIVE S 89°31'51" E FOR 314.87' TO AN IRON PIN SET AT THE NORTHWEST CORNER OF THAT PROPERTY AS DESCRIBED IN DEED BOOK 285 PAGE 94, THENCE S 01°58'26" W ALONG THE WEST LINE OF DEED BOOK 285 PAGE 94 FOR 228.46' TO AN IRON PIN SET ON THE NORTH LINE OF THAT PROPERTY AS DESCRIBED IN DEED BOOK 2022 PAGE 7706, THENCE N 87°32'16" W ALONG THE NORTH LINE OF DEED BOOK 2022 PAGE 7706 FOR 68.52' TO A 5/8' REBAR FOUND AT THE NORTHEAST CORNER OF LOT 41 OF THE RESERVE AT BRIDGEFIELD AND A RESUBDIVISION OF LOTS 30, 31 AND 32 OF BRIDGEFIELD SUBDIVISION FOURTH ADDITION AS RECORDED IN INSTRUMENT NUMBER 20041201000539590 IN THE OFFICE OF THE PROBATE OF MADISON COUNTY, ALABAMA, THENCE N 88°52'51" W ALONG THE NORTH LINE OF SAID RESERVE AT BRIDGEFIELD FOR 760.85' TO A 5/8" REBAR FOUND AT THE NORTHEAST CORNER OF LOT 34 OF SAID RESERVE AND SAID PIN ALSO BEING ON THE WEST RIGHT OF WAY OF RESERVE CIRCLE, HAVING A 50' RIGHT OF WAY, THENCE CONTINUE N 88° 52'51" W FOR 111.45' TO AN IRON PIN SET ON THE NORTH LINE OF LOT SAID LOT 34, THENCE N 01°58'26" E FOR 224.83' TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED 4.92 ACRES IS SUBJECT TO ANY EASEMENTS OF RECORD OR NOT OF RECORD.

SECTION 5. Tracts One and Two, described herein, are no longer needed for the City's public purpose and the conveyance of these tracts to HU promotes the public purpose of improving the infrastructure of the Keene Water Plant.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Madison, Alabama, that, in accordance with the foregoing, the Mayor of the City of Madison, Alabama, is hereby authorized and directed to execute a deed granting the above-described easement and conveyance of property in favor of **Madison Utilities** and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same.

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