



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 12/18/2025

**File ID:** TMP-6368

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**Department:** Engineering

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the acceptance of a 0.064 acre tract of land from D.R. Horton, Inc., for a Drainage Easement located Highland Hills Phase 1 Subdivision.

Resolution No.

**Finance Information:**

**Account Number:** NA

**City Cost Amount:** NA

**Total Cost:** NA

**Special Circumstances:**

**Grant Funded:** NA

**Grant Title - CFDA or granting Agency:** NA

**Resolution #:** NA

**Location: (list below)**

**Address:** Lots 52, 53 and 53, Highland Hills Phase 1 Subdivision

**District:** District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

**Additional Comments:**

**RESOLUTION NO. 25-\_\_\_\_\_**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to accept that certain Drainage Easement Deed, by and between D.R. Horton, Inc., an Alabama corporation, as the Grantor, and the City of Huntsville, an Alabama municipal corporation, as the Grantee, for donation by Grantor to the City of Huntsville for that certain 0.064 acre tract of land located in Highland Hills Phase 1 Subdivision, Madison County, Alabama (the "Property"); and

**BE IT FURTHER RESOLVED THAT** the City of Huntsville, Alabama, hereby accepts donation of the Property, attached hereto and identified as "Drainage Easement," consisting of five (5) pages, including exhibits, and containing the date of November 25, 2025, appearing in the deed, and the Mayor is hereby directed and authorized to have said Drainage Easement recorded in the Probate Records of Madison County, an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

**ADOPTED** this the 18th day of December, 2025.

\_\_\_\_\_  
President of the City Council of the City of  
Huntsville, Alabama.

**APPROVED** this the 18th day of December, 2025.

\_\_\_\_\_  
Mayor of the City of Huntsville, Alabama

THIS INSTRUMENT PREPARED BY:

Kelly Thrasher Fox, Esq.  
Hand Arendall Harrison Sale LLC  
1801 Fifth Avenue North, Suite 400  
Birmingham, AL 35203  
205-502-0122

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:**

D.R. Horton, Inc. – Birmingham  
415-H Church Street, Suite 202  
Huntsville, Alabama 35801

**Grantee's Name/Mailing Address:**

City of Huntsville, Alabama  
308 Fountain Circle  
Huntsville, Alabama 35801

**Property address:** N/A

**Date of sale:** December \_\_, 2025

**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 \_\_\_X\_\_\_ Other

## **DRAINAGE EASEMENT**

STATE OF ALABAMA     )  
                                      :  
MADISON COUNTY     )

KNOW ALL PERSONS BY THESE PRESENTS, that **D.R. Horton, Inc. - Birmingham**, an Alabama corporation (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 grant, bargain, sell, convey, and dedicate a perpetual easement for drainage on, over, along, across, under and through the lands of the Grantor situated in Madison County, Alabama described on **Exhibit A** attached hereto and graphically depicted on **Exhibit B** attached hereto (the "Property") unto the **City of Huntsville, Alabama**, a municipal corporation duly created, organized and existing under and by virtue of the laws of the State of Alabama (the "Grantee") to be used solely for the establishment, construction, installation, maintenance, repair, operation, use, replacement, relocating, upgrading, changing the size of and/or removal, at all or any time(s), of such improvements, facilities, equipment, fixtures, and appurtenances as may be necessary for the provision of storm drainage, together with the unimpaired right of entry and re-entry from time to time as occasion may require; the right to control, channel and/or discharge stormwater; the right to maintain said easement granted clear of trees, undergrowth and brush; and other purposes not inconsistent with the rights herein granted, with all the rights and privileges necessary or convenient for the full enjoyment and use thereof, for all the purposes above stated. The forgoing conveyance is subject to the matters hereinafter set forth.

This conveyance is subject to, and there is excepted from the warranty of this

conveyance, the following exceptions (collectively, the "Exceptions"): (a) taxes and assessments for the year 2026 and subsequent years not yet due and (b) reservations, restrictions, easements, rights-of-way and all other matters of record.

TO HAVE AND TO HOLD the Property, together with all the rights, tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, unto Grantee, its successors and assigns forever; subject, however, to the Exceptions.

Grantor attests, to the best of its knowledge and belief, that the information submitted in the legend at the beginning of this Easement 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).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed under seal on or as of the 25 day of November, 2025.

**D.R. Horton, Inc. - Birmingham,**  
an Alabama corporation

By: [Signature]  
Name: Russell Gilbert  
Its: City Manager

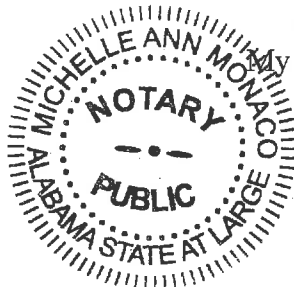
STATE OF ALABAMA )  
 )  
Madison COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Russell Gilbert, whose name as City Manager of D.R. Horton, Inc. - Birmingham, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such City Manager and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 25 day of November, 2025.

Michelle Ann Monaco  
Notary Public

[NOTARIAL SEAL]



My commission expires: 2-14-29

### **Legal Description**

A parcel of land situated in Lot 52, Lot 53, and Lot 54, Highland Hills Phase 1 as recorded in Deed Book 2025 Page 93 in the Office of the Judge of Probate of Madison County, Alabama, and in Section 6, Township 3 South, Range 1 East, Madison County, Alabama being more particularly described as follows:

The west 20 feet of said Lot 52 and said Lot 53, and the west 20 feet of the north 30 feet of said Lot 54 being further described as:

Beginning at the northwest corner of said Lot 52; thence run South 88 degrees 36 minutes 57 seconds East 20.00 feet along the north line of said Lot 52; thence run South 01 degrees 23 minutes 03 seconds West 140.00 feet to the north line of an existing P.U.D.E. (public utility and drainage easement); thence run North 88 degrees 36 minutes 57 seconds West 20.00 feet along the north line of said existing 20 foot P.U.D.E. to the west line of said Lot 54; thence run North 01 degrees 23 minutes 03 seconds East 140.00 feet along the west line of said Lot 54, said Lot 53, and said Lot 52 back to the Point of Beginning.

Said parcel contains 0.064 acres (2,800 square feet) more or less.

## Exhibit B

### Depiction

