

876

STATE OF ALABAMA)  
COUNTY OF SHELBY)

EASEMENT

This easement made and entered into this the 17<sup>th</sup> day of July, 1991, by and between EDDLEMAN PROPERTIES, INC. (Hereinafter referred to as Grantor) and The BROOK HIGHLAND HOMEOWNERS' ASSOCIATION, INC., an Alabama Non-Profit Corporation (Hereinafter referred to as Grantee):

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby acknowledged, the Grantor does hereby grant, bargain, sell, convey and warrant to the Grantee, its respective successors, agents, assigns, guests and invitees, a right of way and easement in perpetuity, with the right, privilege and authority to said Grantee, its respective successors, agents and assigns, to construct and maintain a pedestrian and bicycle path on the following described land, situated in Shelby County, Alabama:

An easement for ingress and egress situated over and upon Lot 188, Brook Highland, 6th Sector, 1st Phase, as recorded in Map Book 14, Page 83 A & B, in the Probate Office, in the Probate Office of Shelby County, Alabama, said easement lying 6 feet either side of a centerline more particularly described as follows:

Commence at the northeast corner of said Lot 188 on the southeast right of way of Ashington Drive, said corner being on a curve which is concave to the northwest having a radius of 449.58 feet and a central angle of 2 deg. 32 min. 57 sec.; thence run in a southwesterly direction along the arc of said curve and also along the southeast right of way of Ashington Drive and also along the northwest line of said Lot 188 for a distance of 20.00 feet to the point of beginning; thence turn an interior clockwise angle to the right of 91 deg. 16 min. 28 sec. and run in a southeasterly direction for a distance of 31.19 feet to a point; thence turn an angle to the left of 52 deg. 23 min. 19 sec. and run in a southeasterly direction for a distance of 110.02 feet to a point; thence turn an angle to the right of 36 deg. 58 min. 49 sec. and run in a southeasterly direction for a distance of 17.75 feet to the end of said easement.

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Further, there shall be a right of way for ingress and egress to, over and under the premises at any and all times for the purpose of constructing, inspecting, maintaining, repairing, replacing, renewing or adding to the pedestrian walk path and bicycle path, and for doing anything, necessary, useful or convenient for the enjoyment and use of the easement herein granted; and said easement shall be used as a right of way for ingress and egress by pedestrians and cyclists going to and from the Brook Highland Racquet Club which is situated behind the said Lot 188.

TO HAVE AND TO HOLD, Unto the said The BROOK HIGHLAND HOMEOWNERS' ASSOCIATION, INC., an Alabama Non-profit Corporation, its successors, agents and assigns, forever, subject to the following terms and conditions:

1. The grant of this easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, its successors, agents and assigns.

2. The grantee herein, The Brook Highland Homeowners' Association, Inc., its successors, agents and assigns shall have the responsibility for maintaining said easement.

Together with and subject to the rights, easements, privileges and appurtenances in and to said lands which may be required for the full enjoyment of the rights herein granted.

IN WITNESS WHEREOF, Eddleman Properties, Inc., by its Vice-President, Douglas D. Eddleman, has caused this easment to be executed this the 17<sup>th</sup> day of July, 1991.

EDDLEMAN PROPERTIES, INC.  
an Alabama Corporation

BY:   
Douglas D. Eddleman  
Its Vice-President

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STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as Vice-President of Eddleman Properties, Inc., 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 the above and foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office this the 12<sup>th</sup> day of July, 1991.


  
Notary Public

My Commission Expires: 5-22-95

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NOTARY PUBLIC  
I CERTIFY THIS  
INSTRUMENT WAS FILED

91 SEP 12 PM 4:28

  
JUDGE OF PROBATE

1. Dead Tax	\$	50
2. Mtg. Tax	\$	
3. Recording Fee	\$	7.50
4. Indexing Fee	\$	3.00
5. No Tax Fee	\$	
6. Certified Fee	\$	1.00
Total	\$	12.00