

STATE OF ALABAMA)

COUNTY OF SHELBY)

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (this "Agreement") is made and entered into as of the 18th day of March, 1998 by and among DANTRACT, INC., an Alabama corporation ("Dantract"), and CHARLES W. DANIEL, a married man ("CWD") (Dantract and CWD being hereinafter collectively referred to as "Grantors"), in favor of NORTH LAKE AT GREYSTONE OWNER'S ASSOCIATION, INC., an Alabama nonprofit corporation ("Grantee").

RECITALS:

Grantors each own portions of that certain real property (the "Easement Property") situated in Shelby County, Alabama which is more particularly described in Exhibit A attached hereto and incorporated herein by reference. Grantors desire to grant to Grantee a permanent, perpetual and non-exclusive easement over, across, through, upon and under the Easement Property for the purposes and on the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Grant of Easement.**

(a) Grantors, to the the extent of their respective interests in the Easement Property, do hereby grant to Grantee, its successors and assigns, forever, a permanent, perpetual and non-exclusive easement over, across, through, upon and under the Easement Property for the purposes of (i) constructing, installing, erecting, replacing, relocating, maintaining and operating a spillway thereon for the lake owned by Grantee situated on that certain real property (the "Lake Property") in Shelby County, Alabama which is more particularly described in Exhibit B attached hereto and incorporated herein by reference, which Lake Property is directly adjacent to and contiguous with to the Easement Property and (ii) allowing to the flow and drainage of surface water from the Lake Property thereon.

(b) To the easement granted herein shall be and is a covenant running with the land and shall be binding upon and inure to the benefit of Grantors and Grantee and their respective heirs, executors, administrators, personal representatives, successors and assigns.

Inst # 1998-14857

BARW_11348742.1

04/24/1998-14857
02:48 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 MCD 22.00

Inst # 1998-14857

2. **Miscellaneous.**

(a) This Agreement constitutes the entire agreement between the parties hereto and may be amended and modified only upon the written consent of Grantors and the then record owner of the Lake Property.

(b) The paragraph headings and captions used herein are for convenience of reference only and shall in no way define, limit, describe or restrict the scope or intent of this Agreement or in any way affect the terms and provisions hereof.

(c) Whenever the context requires or permits, the use of the masculine gender shall be deemed to include the feminine, the singular shall include the plural and vice versa.


(d) This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, personal representatives, successors and assigns.

(e) If any provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each provision shall be valid and enforceable to the fullest extent permitted by law.

(f) CWD represents and warrants that the Easement Property does not constitute his homestead or the homestead of his spouse.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DANTRACT, INC., an Alabama corporation

By: 
Its: President


Charles W. Daniel

STATE OF ALABAMA)

COUNTY OF Jefferson)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Charles W. Daniel whose name as President of DANTRACT, 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 said 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, this the 16 day of March, 1998.

T. A. Leath

NOTARY PUBLIC

My Commission Expires: 8/27/2001

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Charles W. Daniel, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 16 day of March, 1998.

T. A. Leath

NOTARY PUBLIC

My Commission Expires: 8/27/2001

THIS INSTRUMENT PREPARED BY
AND UPON RECORDING SHOULD BE
RETURNED TO THE:

Stephen R. Monk, Esq.
Bradley Arant, Rose & White LLP
2001 Park Place North
Suite 1400
Birmingham, Alabama 35203

EXHIBIT A

Legal Description of Drainage Easement

A storm sewer easement for a spillway and ditch located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence run on an assumed bearing of South $89^{\circ}35'37''$ West along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 703.82 feet to a point; thence run North $00^{\circ}24'23''$ West for a distance of 436.36 feet to an iron pin set; thence run North $14^{\circ}41'35''$ East for a distance of 237.60 feet to an iron pin set at the point of beginning; thence run North $03^{\circ}38'13''$ West for a distance of 78.87 feet to a point; thence run South $65^{\circ}21'57''$ East for a distance of 101.31 feet to a point; thence run South $02^{\circ}38'51''$ East for a distance of 287.91 feet to a point; thence run South $60^{\circ}43'02''$ East for a distance of 274.87 feet to a point on the Northwest right-of-way line of Dunnavant Valley Road; thence run South $36^{\circ}48'51''$ West along said Northwest right-of-way line for a distance of 27.17 feet to a 2" capped iron found on a curve to the left having a radius of 5769.60 feet and a central angle of $0^{\circ}19'52''$ and also a radial bearing in of South $53^{\circ}09'16''$ East; thence run in a southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 33.34 feet to an iron pin set; thence run North $60^{\circ}43'02''$ West for a distance of 312.85 feet to a point; thence run North $06^{\circ}18'26''$ West for a distance of 282.75 feet to the point of beginning.

EXHIBIT B

Legal Description of North Lake

To locate the point of beginning commence at the Southeast corner of Section 27, Township 18 South, Range 1 West, Shelby County, Alabama; thence run on an assumed bearing of said south section line of South $89^{\circ}35'37''$ West a distance of 703.82 feet to a point; thence North $00^{\circ}24'23''$ West a distance of 436.36 feet to THE POINT OF BEGINNING of a line that is approximately located 20 feet horizontally, above and outside of the normal pool elevation of a lake; thence North $14^{\circ}41'35''$ East for a distance of 237.60 feet to a point; thence North $03^{\circ}38'13''$ West for a distance of 99.22 feet to a point; North $25^{\circ}21'53''$ East for a distance of 116.08 feet to a point; then North $45^{\circ}54'13''$ East for a distance of 114.18 feet to a point; thence North $87^{\circ}48'28''$ West for a distance of 206.16 feet to a point; thence North $50^{\circ}13'44''$ West for a distance of 87.64 feet to a point; thence South $30^{\circ}58'07''$ West for a distance of 79.14 feet to a point; thence South $34^{\circ}22'59''$ West for a distance of 166.07 feet to a point; thence South $46^{\circ}11'48''$ West for a distance of 87.08 feet to a point; thence South $14^{\circ}40'49''$ West for a distance of 57.12 feet to a point; thence South $19^{\circ}52'16''$ West for a distance of 67.49 feet to a point; thence South $78^{\circ}17'30''$ West a distance of 71.61 feet to a point; thence South $50^{\circ}34'26''$ West a distance of 89.01 feet to a point; thence South $86^{\circ}32'21''$ West for a distance of 67.52 feet to a point; thence North $37^{\circ}02'27''$ West a distance of 60.91 feet to a point; thence North $05^{\circ}13'39''$ West for a distance of 134.48 feet to point; thence North $19^{\circ}14'51''$ East for a distance of 167.97 feet to a point; thence North $13^{\circ}12'28''$ East for a distance of 210.96 feet to a point; thence North $09^{\circ}33'09''$ West for a distance of 90.97 feet to a point; thence South $59^{\circ}07'27''$ West for a distance of 53.56 feet to a point; thence South $25^{\circ}47'36''$ West for a distance of 105.44 feet to a point; thence South $31^{\circ}11'39''$ West for a distance of 105.70 feet to a point; thence South $64^{\circ}48'50''$ West for a distance of 63.30 feet to a point; thence North $26^{\circ}18'02''$ West for a distance of 119.40 feet to a point; thence North $43^{\circ}45'08''$ West for a distance of 91.26 feet to a point; thence North $28^{\circ}06'04''$ West for a distance of 72.88 feet to a point; thence South $66^{\circ}23'36''$ West for a distance of 95.91 feet to a point; thence South $10^{\circ}50'18''$ East for a distance of 84.88 feet to a point; thence South $10^{\circ}02'02''$ East for a distance of 54.40 feet to a point; thence South $07^{\circ}43'58''$ West for a distance of 110.93 feet to a point; thence South $75^{\circ}40'35''$ West for a distance of 80.71 feet to a point; thence South $31^{\circ}01'44''$ East for a distance of 81.14 feet to a point; thence South $58^{\circ}08'36''$ East for a distance of 60.61 feet to a point; thence South $35^{\circ}46'45''$ East for a distance of 79.90 feet to a point; thence North $89^{\circ}50'24''$ West for a distance of 99.55 feet to a point; thence South $46^{\circ}40'26''$ West for a distance of 50.56 feet to a point; thence South $01^{\circ}49'10''$ West for a distance of 133.61 feet to a point; thence South $09^{\circ}22'52''$ East for a distance of 61.23 feet to a point; thence South $65^{\circ}20'00''$ West for a distance of 81.50 feet to a point; thence North $78^{\circ}49'27''$ West for a distance of 71.64 feet to a point; thence North $43^{\circ}30'02''$ West for a distance of 82.05 feet to a point; thence North $56^{\circ}58'12''$ West for a distance of 66.88 feet to a point; thence North $60^{\circ}30'12''$ West for a distance of 87.56 feet to a point; thence North $66^{\circ}52'01''$ West for a distance of 69.36 feet to a point; thence South $61^{\circ}38'34''$ West for a distance of 92.20 feet to a point; thence South $15^{\circ}02'10''$ East for a distance of 74.87 feet to a point; thence South $35^{\circ}22'50''$ East for a distance of 130.94 feet to a point; thence North $84^{\circ}05'46''$ East for a distance of 44.33 feet to a point; thence South $23^{\circ}31'47''$ East

for a distance of 62.39 feet to a point; thence South 39°29'29" East for a distance of 83.39 feet to a point; thence South 51°24'33" East for a distance of 66.58 feet to a point; thence South 66°41'49" West for a distance of 28.33 feet to a point; thence South 65°56'14" West for a distance of 123.99 feet to a point; then South 56°31'11" West for a distance of 91.70 feet to a point; thence South 25°27'17" West for a distance of 88.98 feet to a point; thence South 38°43'46" West for a distance of 72.14 feet to a point; thence North 89°17'02" West for a distance of 81.19 feet to a point; thence South 35°46'19" West for a distance of 47.83 feet to a point; thence South 05°59'34" West for a distance of 85.45 feet to a point; thence South 17°00'08" West for a distance of 172.48 feet to a point; thence South 02°53'08" West for a distance of 157.93 feet to a point; thence North 68°05'35" East for a distance of 114.62 feet to a point; thence North 23°44'41" East for a distance of 76.47 feet to a point; thence North 38°14'38" East for a distance of 75.95 feet to a point; thence North 51°49'28" East for a distance of 130.64 feet to a point; thence North 39°22'05" East for a distance of 61.93 feet to a point; thence South 81°08'36" East for a distance of 73.89 feet to a point; thence North 20°24'21" East for a distance of 101.50 feet to a point; thence North 59°58'57" East for a distance of 52.50 feet to a point; thence North 47°40'59" East for a distance of 68.75 feet to a point; thence North 78°01'17" East for a distance of 58.99 feet to a point; thence North 74°17'18" East for a distance of 71.85 feet to a point; thence North 35°01'18" East for a distance of 63.19 feet to a point; thence North 55°39'42" East for a distance of 81.01 feet to a point; thence North 46°32'26" East for a distance of 81.96 feet to a point; thence North 51°16'00" East for a distance of 87.68 feet to a point; thence North 59°06'49" East for a distance of 94.80 feet to a point; thence North 72°44'56" East for a distance of 54.43 feet to a point; thence South 75°18'09" East for a distance of 60.44 feet to a point; thence North 44°36'54" East for a distance of 71.64 feet to a point; thence North 82°39'17" East for a distance of 145.79 feet to a point; thence North 88°18'14" East for a distance of 49.69 feet to a point; thence South 79°53'36" East for a distance of 38.53 feet to a point; thence South 65°21'02" East for a distance of 39.05 feet to a point; thence South 32°32'43" East for a distance of 44.82 feet to a point; thence South 12°09'03" East for a distance of 46.73 feet to a point; thence South 02°32'33" East for a distance of 48.86 feet to a point; thence South 48°42'12" East for a distance of 48.48 feet to a point; thence North 64°29'54" East for a distance of 46.75 feet to a point; thence North 33°41'24" East for a distance of 45.17 feet to a point; thence North 31°33'18" East for a distance of 36.58 feet to a point; thence South 78°18'48" East for a distance of 22.58 feet to a point; thence North 30°06'30" East for a distance of 187.83 feet to a point; said point being the POINT OF BEGINNING of the herein described parcel, containing 21.257 acres, more or less.

Inst # 1998-14857

04/24/1998-14857
02:48 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 NCD 22.00