

2242

STATE HIGHWAY DEPARTMENT OF ALABAMA
BUREAU OF CONSTRUCTION
DIVISION OF MATERIALS

BOOK 178 PAGE 496

MATERIALS OPTION

STATE OF ALABAMA

COUNTY OF Shelby

OPTION TO PURCHASE

Gravel	()	Chert	(X)
Topsoil	()	Sand	()
Sandclay	()	Earth	()
Stone	()		

Know all men by these presents that and in consideration of one dollar (\$1.00) in hand paid to _____, receipt of which is hereby acknowledged, C. C. Cheshire, owner of mineral and surface rights of a certain tract of land hereinafter described, do hereby grant unto the State of Alabama acting through the State Highway Department, or its agents or contractor, the right to remove such quantities of _____ as desired for use in the construction of Road Project _____ from a certain portion of _____ land, hereinafter described, together with the use of whatever lands are necessary for a convenient temporary right of-way between this tract of land and the Project for the duration of this instrument: said tract being approximately described as follows:

Pit is located approximately 0.4 mile right of Station 0/00 of Project

SACP 4214-A (Pelham Spur) and is lying in the N¹/₂ of SW¹/₄, Sec. 24, T 20 S, R 3 W.

on which land the definite location of the chert to be removed has been designated to me; under the following conditions, to wit: Payment for the chert removed from the above described land shall be at the rate of 0.05 per cubic yard by loose volume as measured in truck beds at the place of dumping, the record of yardage for payment to me to be the same as made by the State for payment to its hauling contractors or agents and that payment shall be made to _____ by the State Highway Department or its contractors or agents, within 60 days after the expiration of each calendar month in which this chert was removed, and it is hereby agreed that no payment shall be made to me for any stripping or material necessarily removed in securing suitable chert or in maintaining a temporary haul road, but that the State Highway Department or its contractors or agents, will remove without charge any or all such stripping or material to any spot on my land designated by me, within three hundred (300) feet off the place of excavation, and that the above payment will compensate me in full for any damage to my land incurred in the removal and disposal of these materials.

This option to purchase the right to remove materials in accordance with the terms of this instrument shall be binding upon me, my heirs, assigns, or administrators from the date of its execution to Termination of The Project.

_____, further state that I have the right to give this option and to sell the said chert that I (am) (~~am~~) the sole owner of the land (pit) from which the said chert is to be taken and that the said land (pit) is free and clear of all liens, mortgages, encumbrances, and/or reservations.

In witness whereof, I have hereunto set 1774 hand and seal this 16 day of

March, 19 56

WITNESSES:

C. C. Cheshire (LS)

(LS)

If property is a homestead, separate acknowledgments on reverse side must be taken and wife must make acknowledgment before notary public.

ACKNOWLEDGMENT FOR INDIVIDUAL

STATE OF ALABAMA,

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Shelby County

I, James L. Ray Jr, a N.P. in and for said County, in said State hereby certify that C. C. Cheshire whose name 15 signed to the foregoing conveyance, and who 15 known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, 10 executed the same voluntarily on the day the same bears date.

Given under my hand this 16 day of March, A.D., 1956

James L. Ray Jr
Notary Public
(Official Title)

ACKNOWLEDGMENT FOR WIFE

STATE OF ALABAMA,

County

I, _____, a _____ in and for said State and County, do hereby certify that on the _____ day of _____, 19____, came before me the within named _____, known to me to be the wife of _____ who being examined separately and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand this the _____ day of _____, 19 ____

(Official Title)

STATE OF ALABAMA, SHELBY COUNTY

I, L. C. Walker, Judge of Probate, hereby certify that the within was filed for record the 15 day of March, 1956 at 10 o'clock PM and recorded in Deed Record 178 Page 497 the Mortgage Tax of _____ has been paid.

Judge of Probate