

1045

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, MODERN HANDLING SYSTEMS, INC., a corporation (hereinafter called "Grantor") for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned grantor does hereby grant, bargain, sell and convey unto THOMAS M. PEARCE and WILLIAM M. SCHULER (hereinafter called "Grantee") a permanent easement for a sanitary sewer line, said easement being ten (10) feet in width and running from the westerlymost boundary of grantor's property described in Exhibit "A" which is attached hereto and made a part hereof, to the existing sanitary sewer now located on grantor's property, the exact location of said easement to be more accurately determined by survey, together with the right and privilege to construct, maintain, operate, remove, replace and connect to said existing sanitary sewer line located on grantor's property described in Exhibit "A", and together with such rights of ingress and egress over grantor's land as may be reasonably necessary for the construction, maintenance, operation, removal, replacement and connection to said sanitary sewer line.

TO HAVE AND TO HOLD to the said grantees, their heirs and assigns forever.

The grant of the above easement and right of way is subject to the following conditions, the compliance with which is part of the consideration for this agreement:

(1) Grantor shall not be liable for any claims for damage which may accrue on account of the operation or maintenance or construction of said easement or right of way on its land. Grantee does

hereby indemnify, protect and save harmless grantor from all loss, damage, cost or expense which grantor may sustain on account of the operation, maintenance, removal or replacement of said easement and right of way and on account of claims of loss or damage by others by reason of the operation, maintenance, removal or replacement of said easement or right of way.

(2) Grantor shall have the right at any and all times to use the land over which said easement or right of way is located.

(3) Grantor may at any time in the future define the routes of ingress and egress which grantee may use with respect to the maintenance, operation, removal and replacement of said easement or right of way.

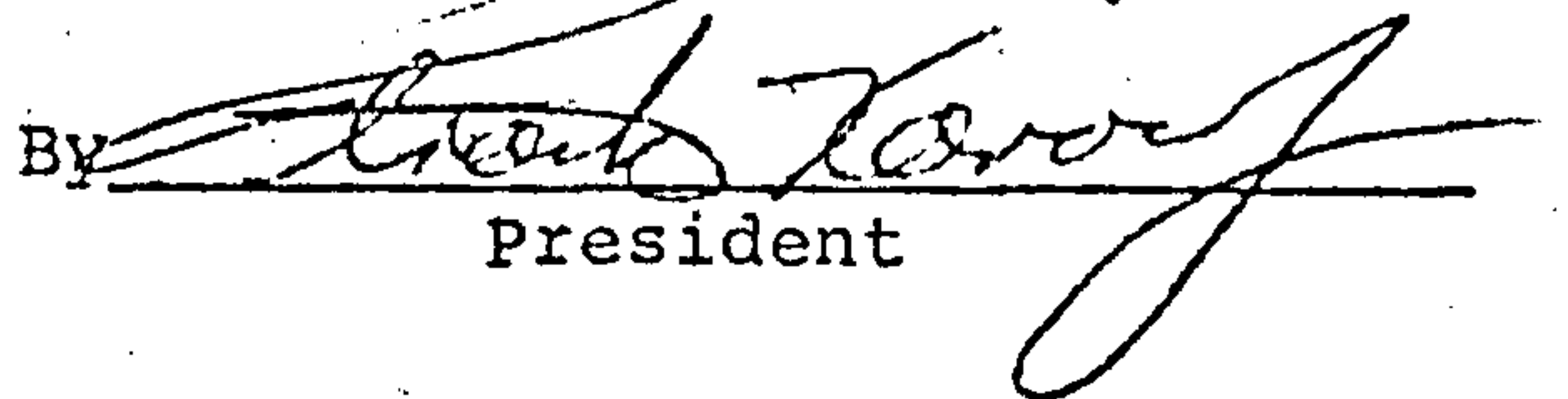
This agreement shall inure to and be binding upon the respective heirs, successors and assigns of the grantor and grantee.

IN WITNESS WHEREOF, MODERN HANDLING SYSTEMS, INC., has set its hand and seal by its President, Frank Kovach, Jr., who is duly authorized, this 30th day of December, 1969.

~~ATTEST:~~


Secretary

MODERN HANDLING SYSTEMS, INC.

By 
President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, , a Notary Public in and for said County in said State, hereby certify that Frank Kovach, Jr., whose name as President of Modern Handling Systems, Inc., 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 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 seal this 30th day of
December, 1969.

Detmund T. ...
Notary Public

EXHIBIT "A"

A parcel of land situated in the NE 1/4 of Section 35, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Commence at the SW corner of the Ne 1/4 of the Ne 1/4 of Section 35, Township 20 South, Range 3 West, thence run in an easterly direction along the southerly line of said quarter-quarter section for a distance of 29.39 feet to the point of beginning; thence turn an angle to the right of 65 deg. 04 min. 35 sec. and in a southeasterly direction for a distance of 827 feet, more or less, to a point in the center line of Buck Creek as presently located; run thence in a northerly direction along the center line of the meanderings of Buck Creek for a distance of 1500 feet, more or less, to a point on the southerly line of the Alabaster Industrial Road; thence run in a northwesterly direction along the southerly right of way line of said Alabaster Industrial Road for a distance of 132 feet, more or less, to the point of beginning of a curve to the left (said curve having a central angle of 10 deg. 40 min. 25 sec. and a radius of 2,824.98 feet); thence along the arc of said curve in a northwesterly direction for a distance of 526.25 feet; thence run in a southeasterly direction for a distance of 658.59 feet to the point of beginning; containing 11.3 acres, more or less.

STATE OF ALABAMA
 COUNTY OF SHELBY
 INSTRUMENT (H&S) FILE
 1970 JAN -8 PM 9:40
 U.C. FILE NUMBER 68
 REC. BK. & PAGE AS SHOWN ABOVE
Conrad H. Anderson
 CLERK OF COURTS