

3221

EASEMENT



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Shelby Cnty Judge of Probate, AL
05/27/1971 12:00:00 AM FILED/CERT

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

THIS INDENTURE made this 26 day of May, 1971, by and between Chace Lake Country Club, Inc., a corporation (hereinafter referred to as "Grantor"), and Bill L. Harbert and Edwin M. Dixon, Trustees under a certain Declaration of Trust dated September 18, 1968 (hereinafter referred to as "Grantee"),

WHEREAS, Grantor has purchased certain land from Grantee, and as a part of such purchase Grantor did agree to grant, bargain, and sell to Grantee certain easements and rights of ingress and egress, and

WHEREAS, Grantee has retained certain land adjacent to and contiguous with the land purchased by Grantor, and

WHEREAS, Grantor has agreed to grant unto Grantee a permanent easement for sewer main rights of way and sewage pumping stations over, on, upon, and across certain lands of Grantor hereinafter described situated in both Jefferson County and Shelby County, Alabama, said lands being more particularly described as follows:

RIGHT OF WAY #1:

An easement 550.0 feet in width, situated in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Section 24, Township 19 South, Range 3 West, and partly in Jefferson County and partly in Shelby County, the easement is described by two boundary lines which run parallel to a reference line, more particularly described hereinafter, the locus of the first boundary line is determined by running a distance of 200.0 feet in an easterly direction along a line perpendicular to and from the reference line, the locus of the second boundary line is determined by running a distance of 350.0 feet in a westerly direction along a line perpendicular to and from the reference line, the reference line of said easement being more particularly described as follows:

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From the intersection of the north bank of the Cahaba River and the west line of the right of way of U. S. Highway 31, run northwesterly along the west right of way line of said highway for a distance of 934 feet, more or less, to a point at which the highway right of way narrows to 200 feet in width, or 100 feet on each side of the centerline, thence turn an angle to the right of 90° and run northeasterly for a distance of 50 feet, thence turn an angle to the left of 90° and run northwesterly along the west side of said highway right of way for a distance of 757.89 feet, thence turn an angle to the left of $99^{\circ}-42'$ and run southwesterly for a distance of 99.61 feet, thence turn an angle to the right of $68^{\circ}-05'$ and run northwesterly for a distance of 120.24 feet, thence turn an angle to the left of $66^{\circ}-58'$ and run southwesterly for a distance of 154.55 feet, thence turn an angle to the right of $1^{\circ}-38'$ and run southwesterly for a distance of 170.60 feet, thence turn an angle to the left of $14^{\circ}-11'$ and run southwesterly for a distance of 197.30 feet, thence turn an angle to the left of $69^{\circ}-52'$ and run southeasterly for a distance of 59.01 feet, thence turn an angle to the left of $2^{\circ}-02'$ and run southeasterly for a distance of 58.10 feet, thence turn an angle to the right of $64^{\circ}-55'$ and run southwesterly for a distance of 101.05 feet to the point of beginning of the centerline of said easement, thence turn an angle to the left of $27^{\circ}-45'$ and run southwesterly along said easement centerline for a distance of 1180 feet, more or less, to the north bank of the Cahaba River.

RIGHT OF WAY #2:

An easement 500.0 feet in width, situated in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 24, Township 19 South, Range 3 West, Jefferson County, Alabama, the easement is described by two boundary lines which run parallel to a reference line, more particularly described hereinafter, the locus of the first boundary line is determined by running a distance of 200.0 feet in an easterly direction along a line perpendicular to and from the reference line, the locus of the second boundary line is determined by running a distance of 300.0 feet in a westerly direction along a line perpendicular to and from the reference line, the reference line of said easement being more particularly described as follows:

From the northeast corner of the E $\frac{1}{2}$ of NW $\frac{1}{4}$ looking west along the north line of said E $\frac{1}{2}$ of NW $\frac{1}{4}$, turn an angle to the left of $62^{\circ}-48'$ and run southwesterly for a distance of 658.60 feet, thence turn an angle to the right of $29^{\circ}-03'$ and run southwesterly for a distance of 165.97 feet, thence turn an angle to the left of $7^{\circ}-48'$ and run southwesterly for a distance of 195.58 feet, thence turn an angle to the left of $9^{\circ}-09'$ and run southwesterly for a distance of 115.49 feet, thence turn an angle to the left of $7^{\circ}-36'$ and run southwesterly for a distance of 203.27 feet, thence turn an angle to the left of $7^{\circ}-55'$ and run southwesterly for a distance of 155.74 feet, thence turn an angle to the left of $17^{\circ}-18'$ and run southwesterly for a distance of 159.53 feet, thence turn an angle to the left of $12^{\circ}-11'$ and run southerly for a distance of 200.06 feet, thence turn an angle to



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the left of $11^{\circ}-27'$ and run southeasterly for a distance of 166.20 feet, thence turn an angle to the left of $40^{\circ}-46'$ and run southeasterly for a distance of 100.50 feet, thence turn an angle to the right of $14^{\circ}-25'$ and run southerly for a distance of 138.57 feet, thence turn an angle to the left of $0^{\circ}-43'$ and run southerly for a distance of 54.79 feet, thence turn an angle to the left of $45^{\circ}-08'$ and run southeasterly for a distance of 194.65 feet, thence turn an angle to the right of $30^{\circ}-09'$ and run southeasterly for a distance of 129.65 feet, thence turn an angle of $15^{\circ}-57.5'$ to the right and run southeasterly for a distance of 98.03 feet, thence turn an angle to the right of $18^{\circ}-07'$ and run southwesterly for a distance of 101.31 feet, thence turn an angle to the right of $30^{\circ}-12'$ and run southwesterly for a distance of 144.50 feet, thence turn an angle to the right of $6^{\circ}-49'$ and run southwesterly for a distance of 164.12 feet, thence turn an angle to the right of $14^{\circ}-17'$ and run southwesterly for a distance of 318.99 feet, thence turn an angle to the right of $5^{\circ}-39'$ and run southwesterly for a distance of 236.06 feet to the point of beginning of the centerline of said easement, thence turn an angle to the left of $86^{\circ}-23'$ and run southeasterly for a distance of 835 feet, more or less, to a point on the north bank of the Cahaba River.

RIGHT OF WAY #3:

An easement 100 feet in width, situated in the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, and the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$, all in Section 24, Township 19 South, Range 3 West, and partly in Jefferson County and partly in Shelby County, over and on that strip of land which runs parallel and adjacent to the north bank of the Cahaba River and extends the entire length of the property presently owned by Grantor which borders the Cahaba River.

NOW, THEREFORE, in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration Grantor grants to the Grantee an easement to construct within rights of way #1 and #2 two sewer mains and pipe connecting the two sewer mains as necessary and the necessary ingress and egress to the property of the Grantor for servicing, constructing and repairing said sewer mains. After the sewer mains have been constructed in each of said rights of way, the easement will be reduced to a minimum width as required by Government regulations and engineering factors. Grantee will repair all damage caused by construction of said sewer mains except trees which may have to be removed for construction of the mains, and will complete construction within each of said rights of way thirty (30) days after construction of the sewer mains has commenced. The Grantee may build a maximum of two sewer mains in each of said rights of way with connecting pipes as necessary;

however, after construction has begun in either of said rights of way, that area will not be reopened for a second sewer main if only one main is constructed at that time. Grantee agrees that the construction of the sewer mains in each of said rights of way will be accomplished in such a manner as to cause the least possible interference with the operation of the golf course and in no event will the sewer mains run under, or across the playing surface of the greens. Further, Grantor grants to the Grantee an easement to construct within right of way #3 two sewage pumping stations and two sewer mains and the necessary ingress and egress to the property of the Grantor for servicing, constructing and repairing said sewage pumping stations and sewer mains. The pumping stations will be constructed and designed in such a manner as to be as inconspicuous as possible considering engineering and design factors. After the sewer mains have been constructed in right of way #3, the easement will be reduced to a minimum width as required by Government regulations and engineering factors.

But this grant is made upon the following terms and conditions:

1. All sewage facilities will be constructed to State and County standards and specifications, and will be dedicated to the County for maintenance where possible. In the event the County refuses dedication, necessary repairs will be made by Grantee, or its successors or assigns as soon as possible after the damage is discovered. Any maintenance damage to the property will be repaired immediately by the Grantee.
2. Grantor shall have the right to connect its facilities to said sewer mains at its own expense. However, Grantor shall have no other costs other than those which might be imposed by governing bodies for the use of the sewer main facilities.

TO HAVE AND TO HOLD the same unto the said Grantee and its assigns for the uses and purposes for which said land is granted, so long as said land is used by the Grantee, its successors or assigns for sewage mains and sewage pumping stations, SUBJECT TO THE TERMS AND CONDITIONS SET OUT ABOVE.



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IN WITNESS WHEREOF, the said Chace Lake Country Club, Inc.,
a corporation, by its President, Charles D. Jones,
who is authorized to execute this conveyance has hereto set its signature
and seal, this the 26th day of May, 1971.

CHACE LAKE COUNTRY CLUB, INC.

By Charles D. Jones
Its President

ATTEST:

Quinn E. Stephens
Secretary

[SEAL]

STATE OF ALABAMA
COUNTY OF JEFFERSON
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U.C.C. FILE NO. 100-100-100
CONFIRMED

STATE OF ALABAMA }
JEFFERSON COUNTY }

I, Betty Hodges Putman a Notary Public in and
for said County in said State, hereby certify that Charles D. Jones
whose name as President of Chace Lake Country Club, Inc., a corporation,
is signed to the foregoing conveyance, and who is known to me, acknowledged
before me on this day that, being informed of the contents of the conveyance,
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 26th day of
May, 1971.

Betty Hodges Putman
Notary Public

My Commission Expires January 30, 1972