

5131

THIS INDENTURE WITNESSETH: That the Grantor, LOUISVILLE AND NASHVILLE RAILROAD COMPANY, a corporation created and existing under the laws of the State of Kentucky, as a donation to the Grantee, does hereby sell, grant and convey, insofar as it legally may, to the Grantee, SHELBY COUNTY, ALABAMA, easements for highway purposes only, on and across three tracts or parcels of land at or near Shelby, in the County of Shelby, State of Alabama, and being more particularly described as follows:

Parcel #1

Beginning at a point in the south right of way line of the Grantor fifty (50) feet measured southwardly along a radial line from a point in the centerline of the main track of the Birmingham Division, formerly the Alabama Mineral Division of the Grantor at Valuation Station 256+48, which point is five hundred thirty four (534) feet measured westwardly along the centerline of said main track from Mile Post 430 from Louisville, Kentucky, said point also being forty (40) feet eastwardly from and at right angles to the centerline of the proposed highway; thence westwardly along the south right of way line of the Grantor fifty (50) feet southwardly from and parallel to the centerline of said main track a distance of ninety (90) feet to a point opposite Valuation Station 255+58, said point also being forty (40) feet westwardly from and at right angles to the centerline of said proposed highway; thence northwardly along a line forty (40) feet westwardly from and parallel to the centerline of said proposed highway a distance of one hundred seventeen (117) feet to a point in the north right of way line of the Grantor fifty (50) feet measured northwardly along a radial line from a point in the centerline of said main track at Valuation Station 255+04; thence eastwardly along the north right of way line of the Grantor fifty (50) feet northwardly from and parallel to the centerline of said main track a distance of ninety (90) feet to a point opposite Valuation Station 255+94, said point also being forty (40) feet eastwardly from and at right angles to the centerline of said proposed highway; thence southwardly along a line forty (40) feet eastwardly from and parallel to the centerline of said proposed highway a distance of one hundred ten (110) feet to the point of beginning, containing nine thousand eighty (9,080) square feet, more or less, being located in the Northeast Quarter of Southwest

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Quarter (NE 1/4 of SW 1/4) of Section Eighteen (18), Township Twenty Two (22) South, Range One (1) West, Shelby County, Alabama.

Parcel #2

All of that part of the right of way of the Grantor herein contained in a tract or parcel of land one hundred eleven and six tenths (111.6) feet in length and eighty (80) feet in width, lying forty (40) feet in width on each side of the centerline of said proposed highway, the centerline of said proposed highway crosses the centerline of said main tract at Valuation Station 397+23.2, which point is twenty two hundred ninety eight and eight tenths (2298.8) feet measured westwardly along the centerline of said main track from Mile Post 433 from Louisville, Kentucky, and forming an angle of 116° 26' in the northwest quadrant of the intersection of the centerline of said main track with said centerline of said proposed highway, containing eight thousand nine hundred twenty eight (8,928) square feet, and being located in the south half of Southeast Quarter (S 1/2 of SE 1/4) of Section Sixteen (16), Township Twenty Two (22) South, Range One (1) West, Shelby County, Alabama.

Parcel #3

Beginning at a point in the southwest right of way line of the Grantor twenty five (25) feet measured southwestwardly along a radial line from a point in the centerline of the main track of the Columbiana Branch of said Birmingham Division of the railroad of the Grantor at Valuation Station 8+31.7, which point is one thousand five hundred ninety five and three tenths (1595.3) feet measured southeastwardly along the centerline of said main track of the Columbiana Branch from Mile Post 436 from Louisville, Kentucky; thence northeastwardly a distance of fifty five and seven tenths (55.7) feet to a point in the northeast right of way line of the Grantor twenty five (25) feet measured northeastwardly along a radial line from a point in the centerline of said main track of the Columbiana Branch at Valuation Station 8+12.9; thence southeastwardly along the northeast right of way line of the Grantor twenty five (25) feet northeastwardly from and parallel to the centerline of said main track of the Columbiana Branch a distance of ninety one (91) feet to a point opposite Valuation Station 7+21.2; thence southwestwardly a distance of fifty seven and five tenths



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(57.5) feet to a point in the southwest right of way line of the Grantor twenty five (25) feet measured southwestwardly along a radial line from a point in the centerline of said main track of the Columbiana Branch at Valuation Station 7+48.5; thence northwestwardly along the southwest right of way line of the Grantor twenty five (25) feet southwestwardly from and parallel to the centerline of said main track of the Columbiana Branch a distance of eighty eight and four tenths (88.4) feet to the point of beginning, containing four thousand four hundred eighty five (4,485) square feet, more or less, being located in the Southeast Quarter of Southwest Quarter (SE 1/4 of SW 1/4) of Section Thirteen (13), Township Twenty Two (22) South, Range One (1) West, Shelby County, Alabama.

The three above described parcels of land being a part of the same property conveyed to Grantor by the Alabama Mineral Railroad Company by deed dated September 29, 1903, recorded in Deed Book 31, Page 165, in the Office of the Judge of Probate, Shelby County, Alabama.

In accepting delivery of this deed and in consideration of the Granting of the easement, the Grantee agrees to the following covenants concerning the installation, maintenance of the grade crossing and other matters, which covenants shall be binding upon the Grantee and its successors in interest.

1. Requests of Grantor; Crossing Installation and Maintenance. The land over which the easement is hereby granted is part of the Grantor's right of way, occupied partly by its tracks and appurtenant facilities, and the Grantor expressly retains the right to maintain the same, and to construct and maintain any additional track or tracks and appurtenant facilities as it may find necessary in the conduct of its business, and to make any lawful use of its right of way that is not destructive of the easement hereby granted, and the Grantee, its successors or assigns, shall assume the entire expense of installing the crossing across any track or tracks of the Grantor that now exist or which may be subsequently constructed thereon.

2. Reversion. The conveyance of the easement hereby made is upon the express condition subsequent that in the event of a vacation or non-use of said highway or any portion thereof, or if said premises or any portion thereof shall be at any future time abandoned as a public highway, or cease to be used as a public highway, or shall be used by the Grantee for any other purpose, said easement hereby conveyed as to the portion so abandoned or



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vacated, or any interest granted by this deed, shall thereupon cease and determine, and all rights hereby conveyed shall revert to the Grantor, its successors or assigns.

3. Extent of right of use. The foregoing grant is upon condition that the highway to be constructed on said land shall be used solely for the passage of vehicles and pedestrians, and that the right or easement hereby conveyed shall not include the right to construct or maintain or permit the construction or maintenance of any pipe lines, or of any pole lines for the conveyance of electric current for power or communication or otherwise.

4. Acceptance by Grantee. As a condition precedent to the vesting of the Grantee's estate in the aforesaid easement, the Grantee shall, by appropriate formal action of its governing body in the due form of law, accept the delivery of this deed and shall agree to the covenants herein.

IN WITNESS WHEREOF, the Louisville and Nashville Railroad Company, Grantor herein, has caused these presents to be signed by its duly authorized officers and its corporate seal, duly attested, to be hereunto affixed, this 3rd day of September, 1971.

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

Attest:

W. K. Kesten
Assistant Secretary

By W. H. Kendall
President

STATE OF KENTUCKY

JEFFERSON COUNTY

I, Virginia Stevenson, a Notary Public, in and for said County in said State, hereby certify that W. H. Kendall and W. K. Kesten, whose names as President and Assistant Secretary, respectively, of the Louisville and Nashville Railroad Company, a corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument, they as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

My commission expires as Notary Public March 19, 1972.

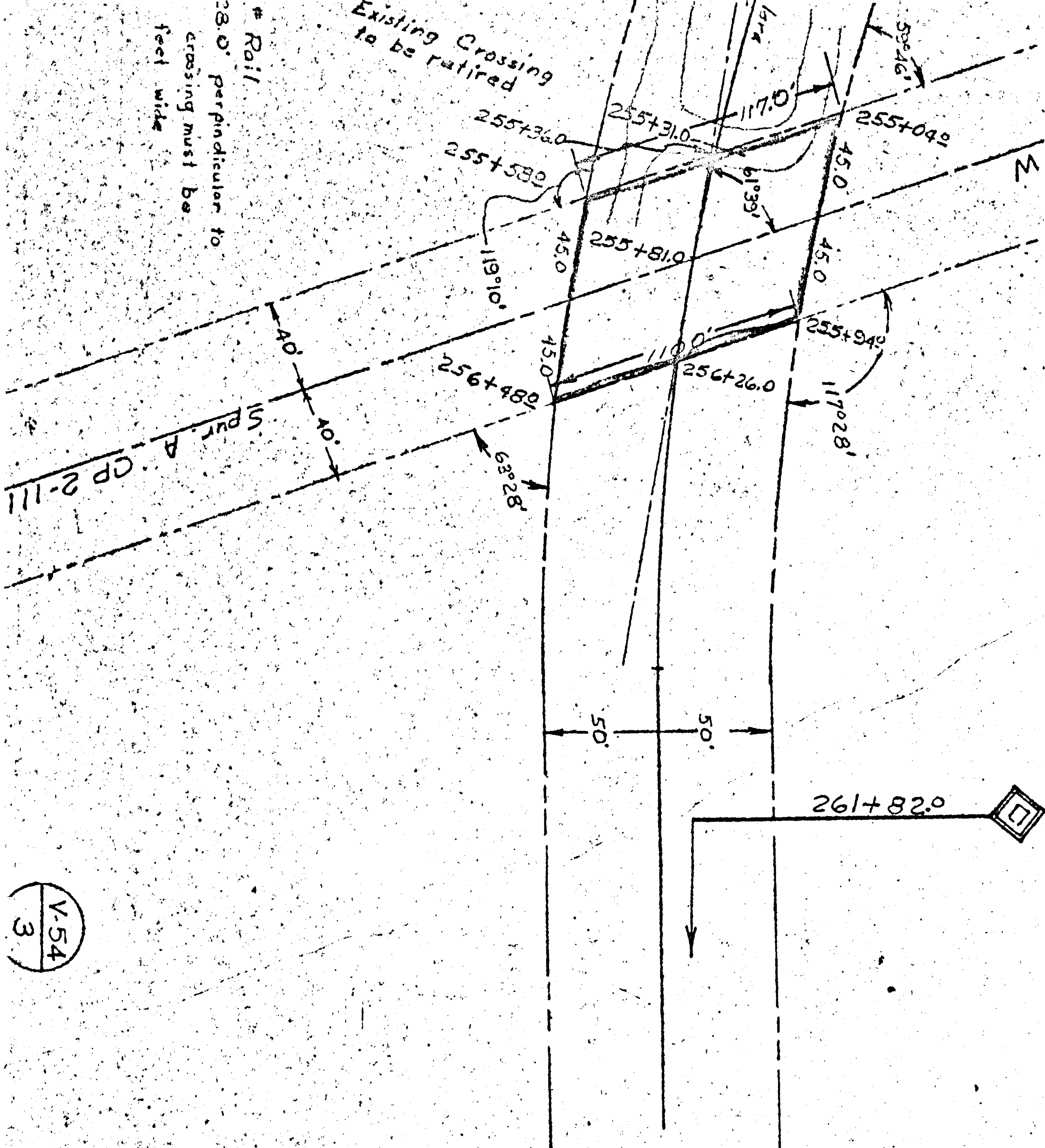
Given under my hand and seal of office, this 3rd day of

September, 1971.

Virginia Stevenson
Notary Public, Jefferson County, Kentucky

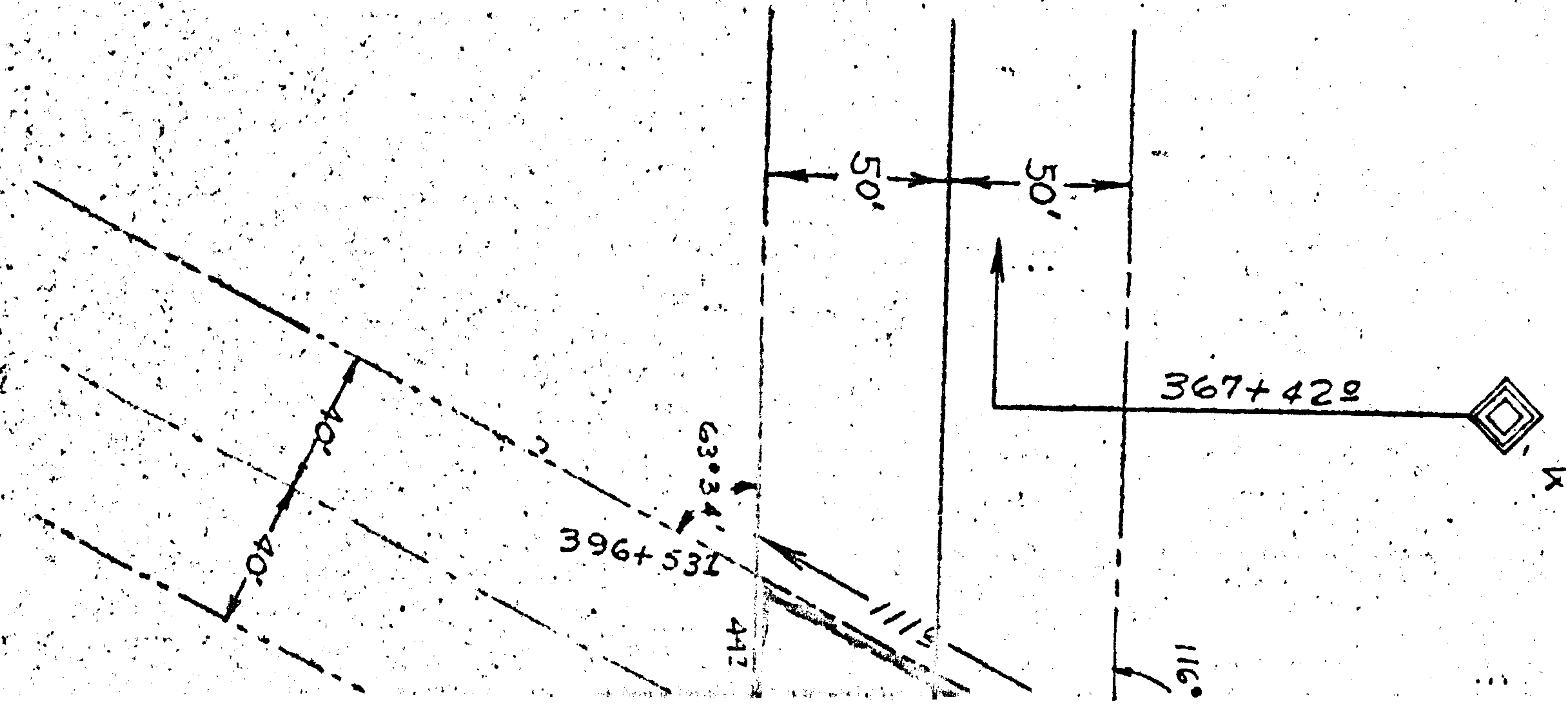
Existing Crossing
to be retired

Rail
28.0' perpendicular to
crossing must be
feet wide



V-54
3

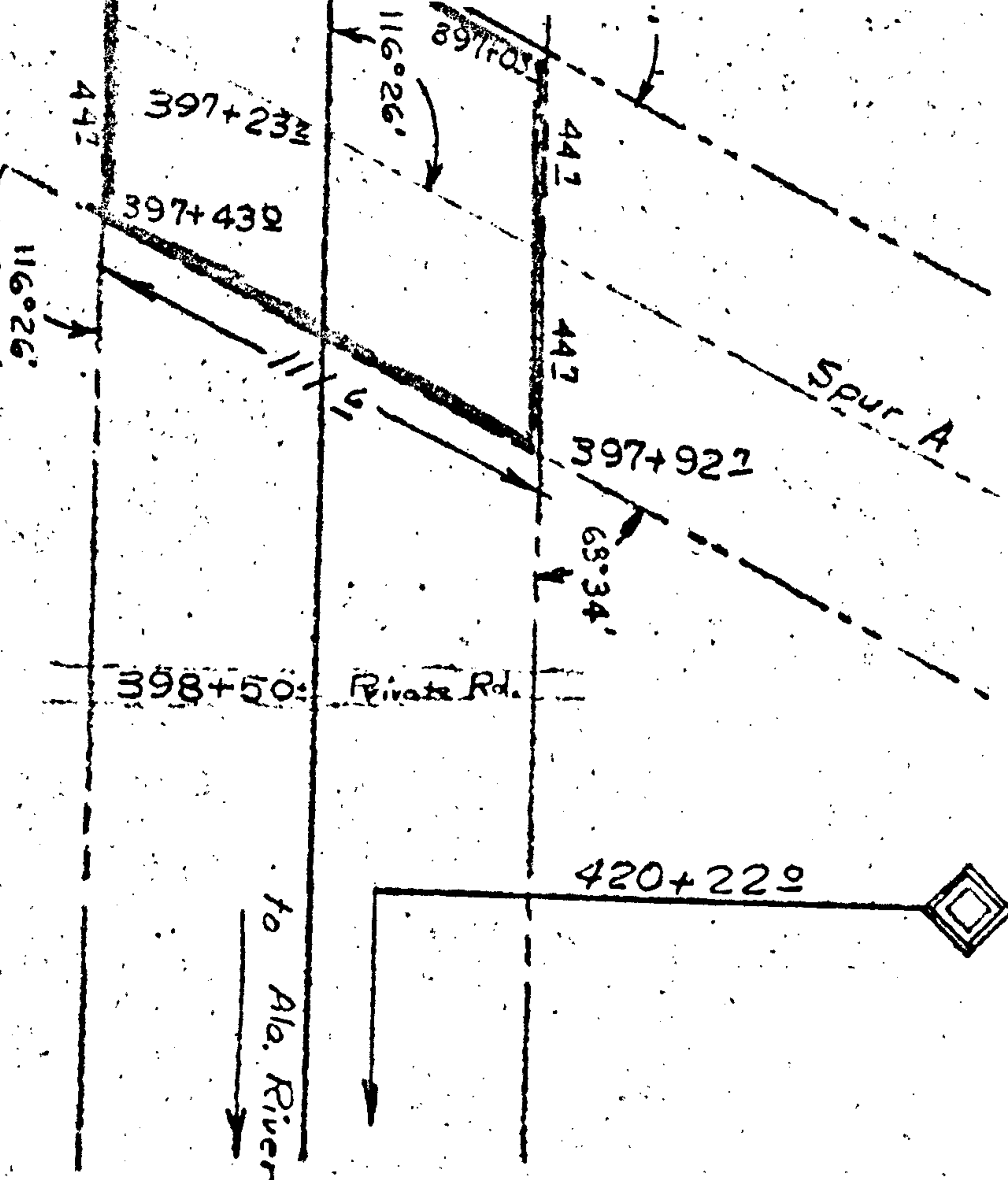
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V-54
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For 28.0' perpendicular to
road crossing must be
31.3' wide

90° Rail



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525+82

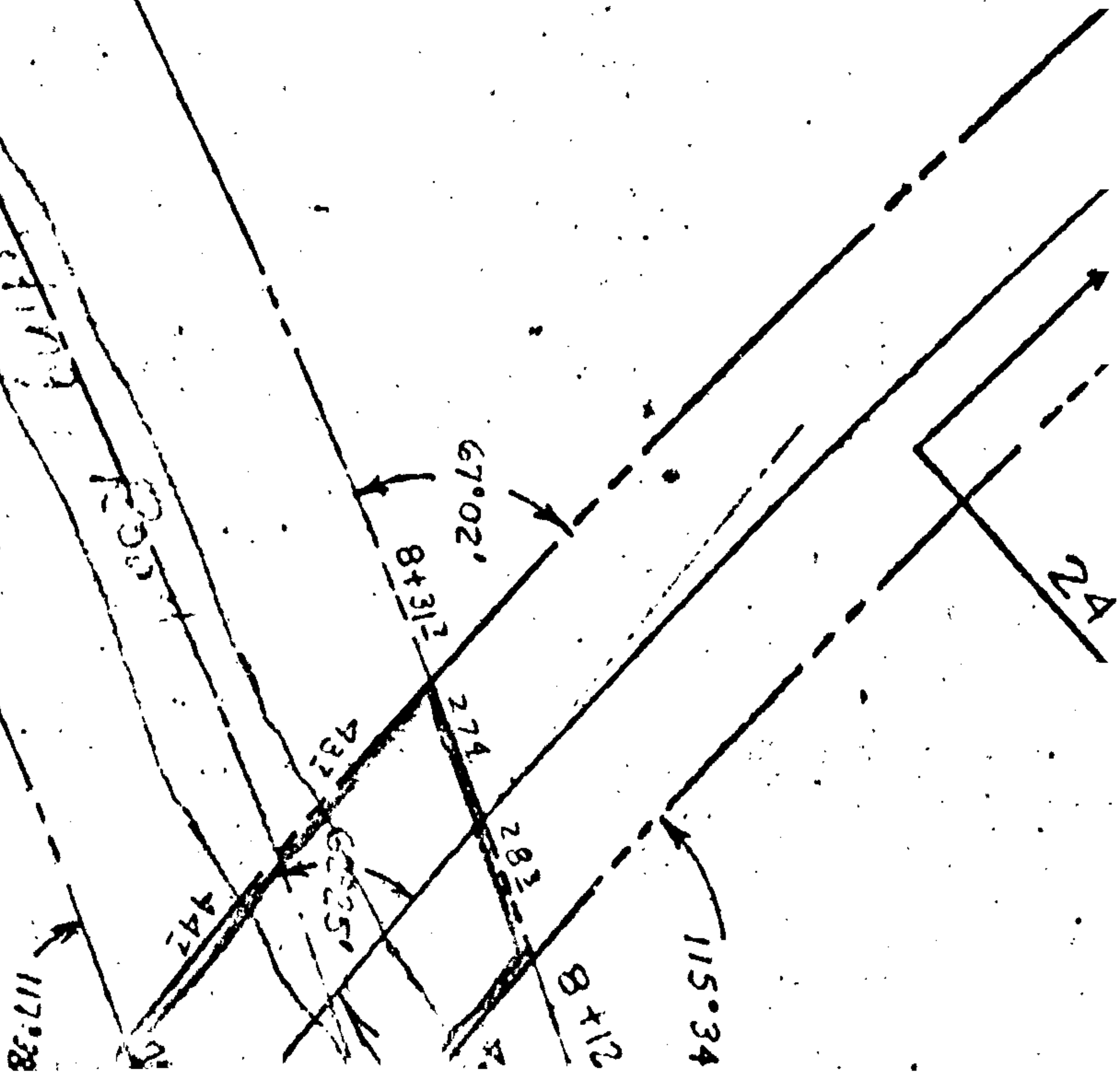
435

C.P. 2-111

EXISTING

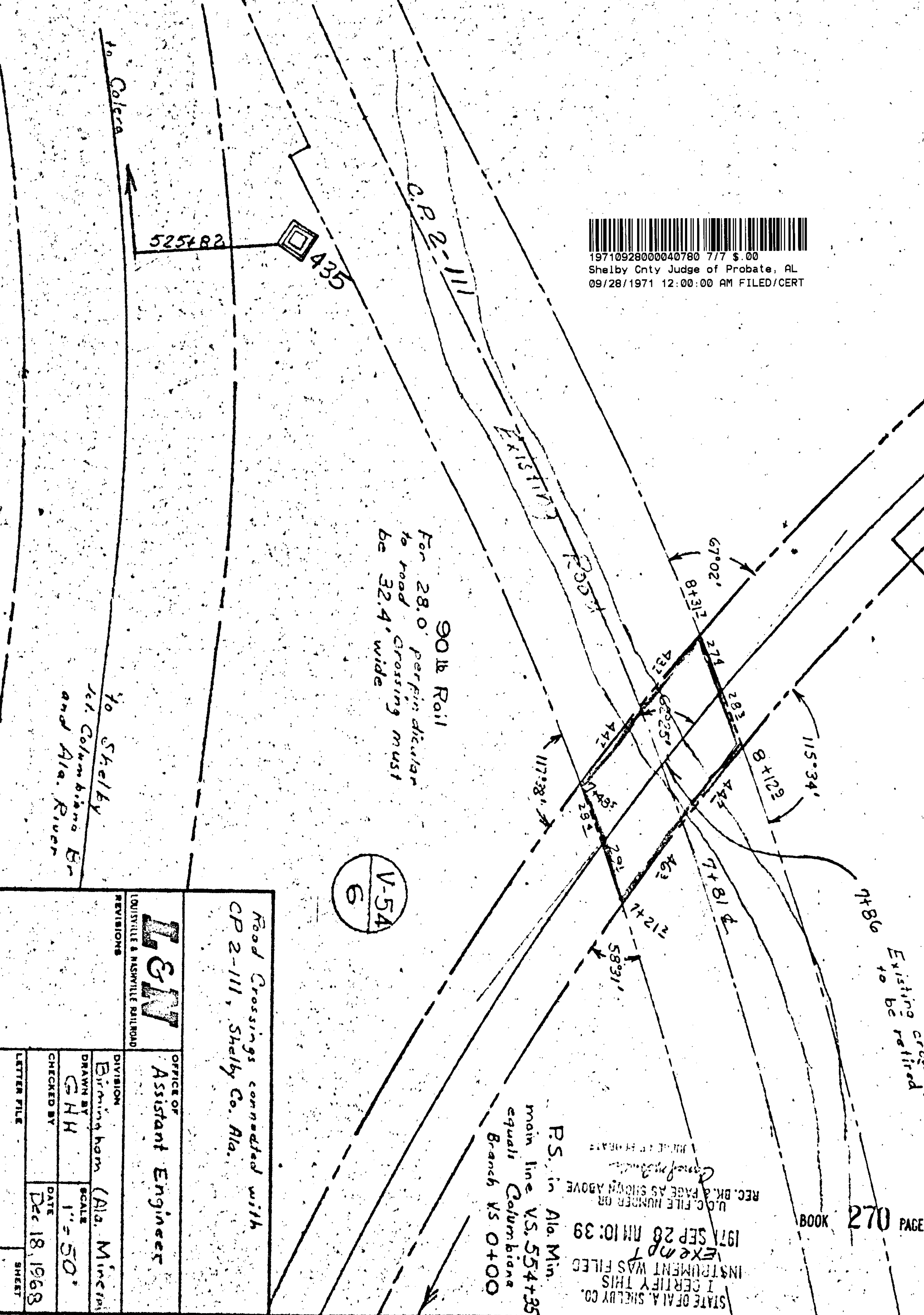
For 28.0' perpendicular
to road crossing must
be 32.4' wide

90° Rail





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Existing crossing to be refitted

BOOK 270 PAGE

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
EX-70
1971 SEP 28 AM 10:39
REC. BK. & PAGE AS SHOWN ABOVE
JUDGE OF PROBATE
Shelby County

P.S. is Ala. Min.
main line VS. 554+35
equals Columbia
Branch VS 0+00

V-54
6

90 lb Rail
For 28.0' perpendicular
to road crossing must
be 32.4' wide

Road Crossings connected with
CP 2-111, Shelby Co. Ala.

T&N

LOUISVILLE & NASHVILLE RAILROAD

OFFICE OF
Assistant Engineer

REVISIONS

DIVISION
Birmingham (Ala. Min.)

DRAWN BY
GHH

CHECKED BY
DATE
Dec 18, 1968

LETTER FILE
SHEET

to Shelby
let. Columbiana Br
and Ala. River

to Colera