

STATE OF ALABAMA)
SHELBY COUNTY)

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Shelby Cnty Judge of Probate, AL
08/02/1973 12:00:00 AM FILED/CERT

7724

EASEMENT GRANT

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Hundred Dollars (\$100.00) and other valuable consideration in hand paid, receipt of which is hereby acknowledged, Martin Marietta Corporation, a Maryland corporation, does hereby grant, bargain, sell and convey to The Industrial Development Board of the Town of Calera, Alabama, a public corporation organized and existing under the laws of the State of Alabama, its successors and assigns, an easement for a term commencing as of June 1, 1973 and ending on June 1, 1993, in, upon and across the real estate located in Shelby County, Alabama and described in Exhibit A attached hereto and made a part hereof, for the purposes set forth in said Exhibit A hereto.

To have and to hold to the said grantee, its successors and assigns, for the term set forth above.

It is the intention of the parties hereto that this instrument shall be construed as creating and conveying an easement in gross and not a license but that, in the event any part hereof shall be found invalid as to the purpose intended, this instrument shall be construed as a lease of the real estate described in Exhibit A hereto for the term, the consideration and the conditions herein stated.

IN WITNESS WHEREOF, the undersigned grantor, Martin Marietta Corporation, has caused its corporate name to be hereunto subscribed by its Via President and attested under its corporate seal by its Secretary or Assistant Secretary as of June 1, 1973.

MARTIN MARIETTA CORPORATION

ATTEST:

By

Its

its

[Affix corporate seal]

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Shelby Cnty Judge of Probate, AL
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STATE OF New York)
COUNTY OF New York)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that John Z. S. Brunow, whose name as Vice President of Martin Marietta Corporation, 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 30 day of July, 1973.

[Affix Notarial Seal]

Kathleen Phillips
Notary Public

KATHLEEN PHILLIPS
NOTARY PUBLIC, STATE OF NEW YORK
No. 41-8360775 Qual. In Queens County
Certificate filed in New York County
Commission Expires March 30, 1974

This instrument was prepared by:

George F. Maynard
Cabaniss, Johnston & Gardner
1900 First National-Southern Natural Bldg.
Birmingham, Alabama 35203

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EXHIBIT A

DESCRIPTION OF LEASED LAND

An easement for a term commencing as of June 1, 1973 and ending on June 1, 1993, upon and across the real estate located in Shelby County, Alabama and hereinafter described for the purposes set forth herein, to-wit:

TRACT I: *Cement Kiln Exit Baghouse*

An easement for the purpose of entering upon, constructing, operating and maintaining thereon a cement kiln exit baghouse consisting of a steel frame building with corrugated transite covering, on concrete foundation, together with connecting manifold ducts, and support structure for elevated dust bin and accessory equipment thereto, in, upon and across the following described real estate:

Beginning at the NE Corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 24, Township 22 South, Range 3 West, thence S2°-29'E along the East line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 214.35 feet to a point on said East line, thence S87°-30'W for a distance of 320.58 feet, thence N2°-30'W for a distance of 703.61 feet to the point of beginning, thence continuing N2°-30'W for a distance of 142.79 feet, thence S87°-30'W for a distance of 66 feet, thence S2°-30'E for a distance of 142.79 feet, thence N87°-30'E for a distance of 66 feet to the point of beginning.

TRACT II: *Clinker Cooler Baghouse*

An easement for the purpose of constructing, operating and maintaining a clinker cooler baghouse, an unenclosed, elevated concrete based steel column supported structure, containing metal housed bags for collecting of dust from clinker coolers and a support structure for elevated dust bin and accessory equipment thereto, in, upon and across the following described real estate:

Beginning at the NE Corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 24, Township 22 South, Range 3 West, thence S2°-29'E along the East line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 214.35 feet to a point on said East line, thence S87°-30'W for a distance of 330.92 feet, thence N2°-30'W for a distance of 73.24 feet to the point of beginning, thence S87°-30'W for a distance of 78.0 feet, thence S2°-30'E for a distance of 82.5 feet, thence N87°-30'E for a distance of 78.0 feet, thence N2°-30'W for a distance of 82.5 feet to the point of beginning.

TRACT III: *Lime Plant Baghouse (West)*

An easement for the purpose of entering upon, constructing, operating and maintaining thereon a lime kiln baghouse consisting of a steel frame building with corrugated transite covering, on concrete foundations, together with connecting manifold ducts and a support structure for an elevated dust bin and accessory equipment thereto, together also with an electrical equipment building and combination compressor building, in, upon and across the following described real estate:

Beginning at the NE Corner of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 24, Township 22 South, Range 3 West, thence S2°-29'E along the East line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 214.35 feet to a point on said East line, thence S87°-30'W for a distance of 901.75 feet, thence N2°-30'W for a distance of 334.92 feet to the point of beginning, thence N2°-30'W for a distance of 141.0 feet, thence S87°-30'W for a distance of 43.08 feet, thence S2°-30'E for a distance of 141.0 feet, thence N87°-30'E for a distance of 43.08 feet to the point of beginning.

TRACT IV: *Lime Plant Baghouse (East)*

An easement for the purpose of entering upon, constructing, operating and maintaining thereon a lime kiln baghouse consisting of a steel frame building with corrugated transite covering, on concrete



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foundations, together with connecting manifold ducts, in, upon, and across the following described real estate:

Beginning at the NE Corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 24, Township 22 South, Range 3 West, thence S2°-29'E along the East line of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$, for a distance of 214.35 feet to a point on said East line, thence S87°-30'W for a distance of 804.46 feet, thence N2°-30'W for a distance of 334.92 feet to the point of beginning, thence N87°-30'E for a distance of 21.04 feet, thence N2°-30'W for a distance of 95.0 feet, thence S87°-30'W for a distance of 21.04 feet, thence S2°-30'E for a distance of 95.0 feet to the point of beginning.

TRACT V: *Additional Easement Rights*

Such additional rights of easement in, upon and across lands of Martin Marietta Corporation which surround the easement tracts described in the preceding four paragraphs of this Exhibit A (the "Tracts") as may be required (i) for access and egress to and from the Tracts in connection with the construction, installation, operation, maintenance and lease on the Tracts, under Lease Agreement dated as of June 1, 1973 from The Industrial Development Board of the Town of Calera, Alabama to Marietta Facilities, Inc. (the "Lease Agreement"), of that part of the Facility and the Leased Equipment (as defined in the Lease Agreement) to be located on the Tracts, and (ii) for the construction, installation, operation, maintenance and lease in and upon said surrounding lands of any part of the Facility or any of the Leased Equipment which is not to be located on the Tracts.

It is the intention of the parties hereto that the easement herein described shall be construed as an easement in gross and not as a license, but that in the event any part hereof shall be found invalid as to the purpose intended, then the rights herein described shall be construed to be a lease of the real estate herein described for the term, the consideration and the conditions herein stated.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1973 AUG -2 PM 11:01
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Carroll H. Boudin
JUDGE OF PROBATE