

STATE OF ALABAMA)

COUNTY OF SHELBY)



19740131000005060 1/3 \$.00
Shelby Cnty Judge of Probate, AL
01/31/1974 12:00:00 AM FILED/CERT

3439

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid, and as a donation, PLANTATION PIPE LINE COMPANY, a corporation (hereinafter sometimes referred to as "Grantor"), hereby remises, quitclaims and conveys, upon the terms, conditions and limitations hereinafter set forth, to THE UTILITIES BOARD OF THE TOWN OF HELENA (hereinafter sometimes referred to as "Grantee") for the purpose of locating, maintaining and digging wells of water thereon, the following described real estate, situated in Shelby County, Alabama, to-wit:

A parcel of land situated in the SW 1/4 of SE 1/4 of Section 15, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Commence at the intersection of the West right of way line of the Alabama Power Company transmission line and the South right of way line of the Pelham-Helena Road and continue West along the Southern right of way of said Pelham-Helena Road 60 feet to a point; thence turn an angle of 90 deg. to the left with said road right of way and continue in a Southerly direction a distance of 60 feet to a point; thence turn an angle of 90 deg. to the left and continue in an Easterly direction a distance of 60 feet to a point; thence turn an angle of 90 deg. to the left and continue in a Northerly direction a distance of 60 feet to the point of beginning, said property containing approximately .08 acres.

Grantor now owns, maintains, and operates certain petroleum pumping station facilities and petroleum tank farm facilities essential to its operation as a common carrier which are in close proximity to the above-described real estate, and Grantor reserves unto itself, its successors and assigns, the right and easement to maintain and operate said facilities, together with any other existing facilities not specifically set out below, under, over, along or across said real estate as may now or hereafter be necessary or

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convenient in or about the operations of Grantor; said facilities including, but not being limited to, pipelines, pumping stations, tank farm facilities, electric power transmission lines, telephone lines, and all appurtenances necessary in connection therewith, provided that said use does not conflict with the use and maintenance of said property by Grantee in connection with its water works system.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever; SUBJECT, however, to such rights of way and easements, recorded or unrecorded, as may exist over, under, upon, along, or across said real estate, and to such rights, easements, right of reverter and conditions specified herein.

This conveyance of the above-described real estate is made upon the covenant and condition that Grantor, its successors or assigns, shall have the right to operate its pumping station, tank farm facilities, pipelines, and other facilities, and that no right of action on account of damage to said real estate, or to structures, facilities or wells constructed on said real estate resulting from said operations, past or future, of Grantor shall ever accrue to or be asserted by the Grantee, its successors or assigns, this conveyance being made expressly subject to all such damage, either past or future; and this condition shall constitute a covenant running with the land.

This conveyance is made upon the further covenants and conditions that: (1) the ownership of said real estate herein conveyed shall revert to Grantor, or its successors or assigns, in the event the Grantee ceases to use said real estate for water well purposes; (2) said Grantor, or its successors and/or assigns, shall have the right to install

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and maintain within the boundaries of said real estate pipelines, electric power transmission lines, telephone and telegraph lines, and roads or ways of any description at any point whatsoever, provided that the exercise of such rights shall not interfere unreasonably with the use of the real estate for water wells; and (3) adequate drainage for said real estate shall be provided by said Grantee, or its successors and/or assigns.

IN WITNESS WHEREOF, Plantation Pipe Line Company has caused these presents to be executed in its name and behalf, and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized, on this the 21st day of January, 1974.

PLANTATION PIPE LINE COMPANY

ATTEST:

T. M. Niblack
T. M. Niblack, Secretary

By P. R. Ferguson
P. R. Ferguson, Vice Pres.-Operations

STATE OF GEORGIA)
COUNTY OF FULTON)

I, S. A. FRANKLIN
J. A. Rutledge, Jr., a Notary Public in and for said County and State, hereby certify that P. R. Ferguson whose name as Vice Pres.-Operations of Plantation Pipe Line Company, 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 21st day of January, 1974.

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S. A. Franklin
Notary Public

[AFFIX NOTARIAL SEAL]

My Commission Expires: _____

This Instrument Prepared By:
N. Lee Cooper
1900 First National-Southern Natural
Building
Birmingham, Alabama 35203

Notary Public, Georgia, State at Large
My Commission Expires July 21, 1974

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1974 JAN 31 PM 4:21
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Consent of Notary
JUDGE OF PROBATE