3435

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ONE DOLLAR ($1.00) and other valuable considerations in hand paid, the receipt whereof is hereby acknowledged, FLETCHER PROPERTIES OF ALABAMA, INC., an Alabama Corporation, (hereinafter called GRANTORS) do hereby grant, bargain, sell and convey unto THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM, a public corporation organized under and by virtue of the laws of the State of Alabama (hereinafter called GRANTEE) its successors and assigns, a free, uninterrupted and unobstructed right-of-way twenty feet (20') in width in the south half of the Northwest Quarter and in the north half of the Southwest Quarter of Section 1, Township 19 South, Range 2 West in Jefferson County, Alabama, for the purposes at such times and from time to time in the future as GRANTEE may elect, of laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing at will, one or more pipelines, appurtenances, equipment and fixtures, whether above or below ground, for the transportation and sale of water. The said right-of-way is as shown in red on the map hereto attached and made a part hereof, and is more particularly described & located as follows,to-wit:

A twenty foot (20') wide right-of-way being ten feet (10') on each side of the center line of the water main as constructed through the following described parcel of property:

Commence at the Southwest corner of Section 1, Township 19 South, Range 2 West, and run North 00°44'20" West along the West line of said Section a distance of 736.29 feet to a point on the Northwest right-of-way line of Valley Dale Road; thence deflect right 37°35'50" and run North 36°51'30" East and along the Northwest right-of-way line of Valley Dale Road a distance of 461.00 feet to the point of beginning of a curve to the right having a central angle of 13°18'50", a radius of 1949.86 feet, and an arc of 453.09 feet; thence continuing along said arc a distance of 453.09 feet to a point; thence tangent to the last described curve and North 50°10'20" East a distance of 55.39 feet to the point of beginning of a curve to the left having a central angle of 14°56'50", a radius of 2824.79 feet and an arc of 736.93 feet; thence continuing along said arc a distance of 736.93 feet to a point; thence tangent to the last described curve and North 35° 13'30" East a distance of 148.23 feet to a point on the Northwest right-of-way line of Valley Dale Road and the point of beginning of the herein described Parcel; thence deflect left 90°54'00" and run North 55°40'30" West a distance of 441.64 feet to a point; thence turn an interior angle of 82°32'55" and run to the right North 41°46'35" East a distance of 1210.44 feet to a point; thence turn an interior angle of 218°17'00" and run to the left North 3°29'35" East a distance of 378.21 feet to the point; thence turn an interior angle of 90°35'35" and run to the right South 87° 06'00" East a distance of 146.25 feet to a point; thence turn an interior angle of 221°19'44" and run to the left North 51°34'16" East a distance of 94.14 feet to a point; thence turn an interior angle of 210°21'03" and run to the left North 21°13'13" East a distance of 171.10 feet to a point; thence turn an interior angle of 134°17'54" and run to the right North 66°55'18" East a distance of 125.00 feet to a point; thence turn an interior angle of 130°47'57" and run to the right South 63°52'39" East a distance of 115.83 feet to a point; thence turn an interior angle of 305°48'53" and run to the left North 9°41'32" West a distance of 49.95 feet to a point; thence turn an interior angle of 84°34'28" and run to the right North 74°52'56" East a distance of 23.2 feet to a point; thence turn an interior angle of 306°02'25" and run to the left North 51°09'29" West a distance of 80.97 feet to a point; thence turn an interior angle of 175°44'23" and run to the right North 46° 53'52" West a distance of 11.43 feet to a point; thence turn an interior angle of 43°06'08" and run to the right due East a distance of 231.01 feet to a point on the Northwest right-of-way line of Valley Dale Road; thence turn an interior angle of 73°43'40" and run to the right South 16°16'20" West a distance of 71.58 feet to the point of beginning of a curve to the right having a central angle of 18°57'10", a radius of 2108.59 feet and an arc of 697.50 feet; thence continuing along said arc a distance of 697.50 feet to a point; thence tangent to the last described curve and South 35°13'30" West and along the Northwest right-of-way line of Valley Dale Road a distance of 1417.11 feet more or less to the point of beginning of the herein described Parcel containing 17.443 acres more or less.

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1974013100000508O 1/9 $.00
Shelby Cnty Judge of Probate, AL
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Together with all rights and priviliges necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting same to, the free right of ingress and egress over and across the said right-of-way together with the right from time to time in connection with the enjoyment of the privileges herein conveyed to cut and keep clear trees and other obstructions of said right-of-way to the extent necessary to permit the full enjoyment of the rights and privileges herein conveyed.

The rights and privileges herein conveyed are given, granted and accepted upon the following conditions and subject to the following stipulations:

1. GRANTORS do hereby convenant with the GRANTEE that they are lawfully seized in fee simple of the said premises, that they are free from all incumbrances, except for that mortgage dated August 30, 1973, with Guardian Mortgage Investors, Inc., A Massachusetts Business Trust, recorded in Shelby County, Alabama on September 28, 1973, in Mortgage Book 334 on page 365, and that they have a good right to sell and convey the same as aforesaid and that they will warrant and defend the same to the GRANTEE forever against the lawful claims of all persons.

2. The GRANTORS reserve the right to use the said twenty foot (20') strip of land over which the said right-of-way is granted for any purpose which will not unreasonably endanger or interfere with installation, operation and maintenance of the said pipelines hereinabove described. The GRANTORS further agree not to construct, cause to be constructed or permit to be constructed on said right-of-way any building or structure of any kind except for the construction of street or parking paving and sidewalk.

3. GRANTEE agrees that any pipeline placed within said right-of-way shall be buried so that the top thereof shall be not less than thirty inches (30") below the surface of the ground, and further agrees that following the construction, repair, relocation or removal of any such pipeline, GRANTEE will cause the surface of the ground to be restored as nearly as practicable to its former conditon.

4. Should the GRANTEE at any time for a period of as much as twelve (12) successive months following the initial installation of a pipeline, cease to use the right-of-way herein granted for the purpose or purposes herein named, the rights and privileges herein conveyed shall cease and be at an end.

5. This instrument shall inure to the benefit of and be binding upon the GRANTORS and GRANTEE and their respective successors and assigns in title to the right-of-way hereby conveyed.

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IN WITNESS WHEREOF, FLETCHER PROPERTIES OF ALABAMA, INC. have caused these presents to be executed in duplicate this the 23rd day of JAN., 1974.

WITNESS:

FLETCHER PROPERTIES OF ALABAMA, INC.

O. H. Fielder, Jr., Vice President

1974013100005080 2/9 $.00
Shelby Cnty Judge of Probate, AL
01/31/1974 12:00:00 AM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan E. Lincaid, a Notary Public in and for said County in said State, hereby certify that O. H. FIELDER, JR., as Vice-President of FLETCHER PROPERTIES OF ALABAMA, INC., an Alabama Corporation, whose name 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 this instrument, that he, O. H. Fielder, Jr., as Vice-President, with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Corporation.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this the 23rd day of January, 1974.

Joan E. Lincaid
Notary Public

My Commission Expires June 20, 1976

THIS INSTRUMENT WAS PREPARED BY:
J. THOMAS WIGINTON
NAME (PLEASE PRINT)
2114 NORTH 1ST AVENUE
ADDRESS (PLEA[redacted]
[redacted]

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01/31/1974 12:00:00 AM FILED/CERT

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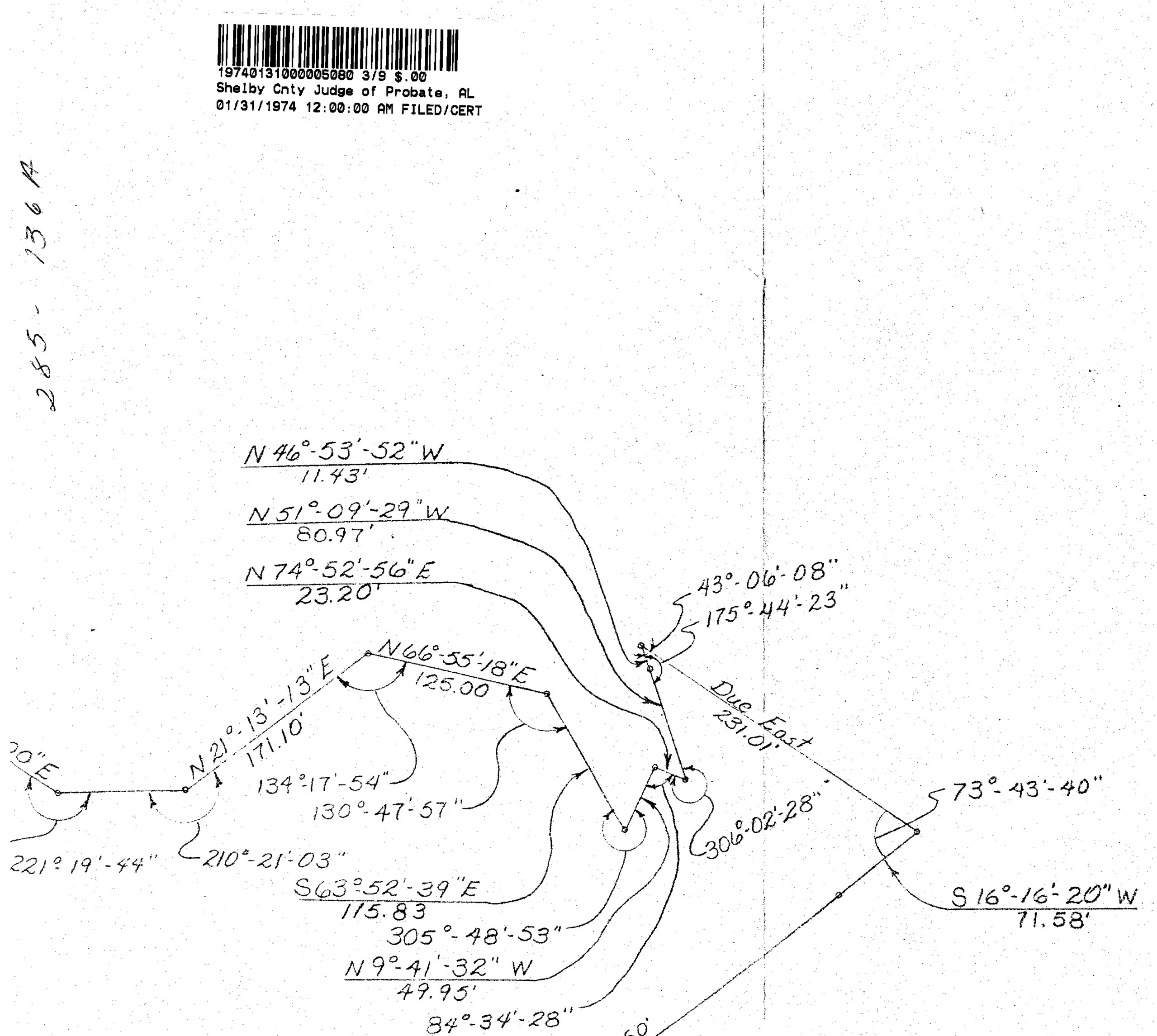

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Shelby Cnty Judge of Probate, AL
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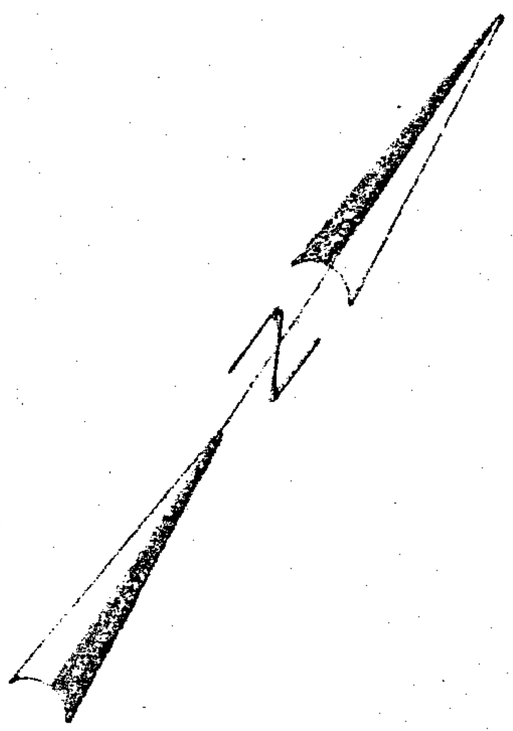

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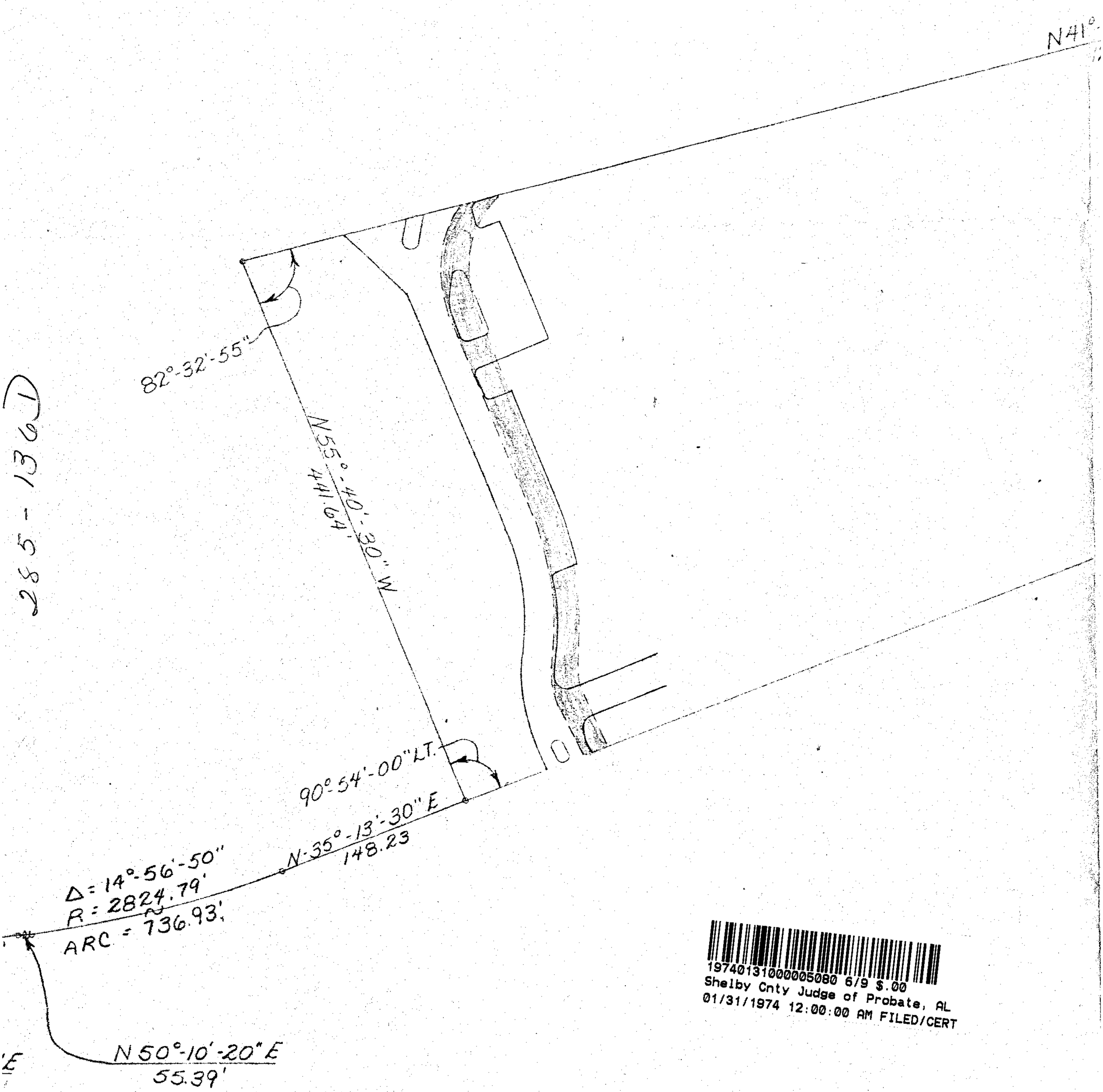

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Shelby Cnty Judge of Probate, AL
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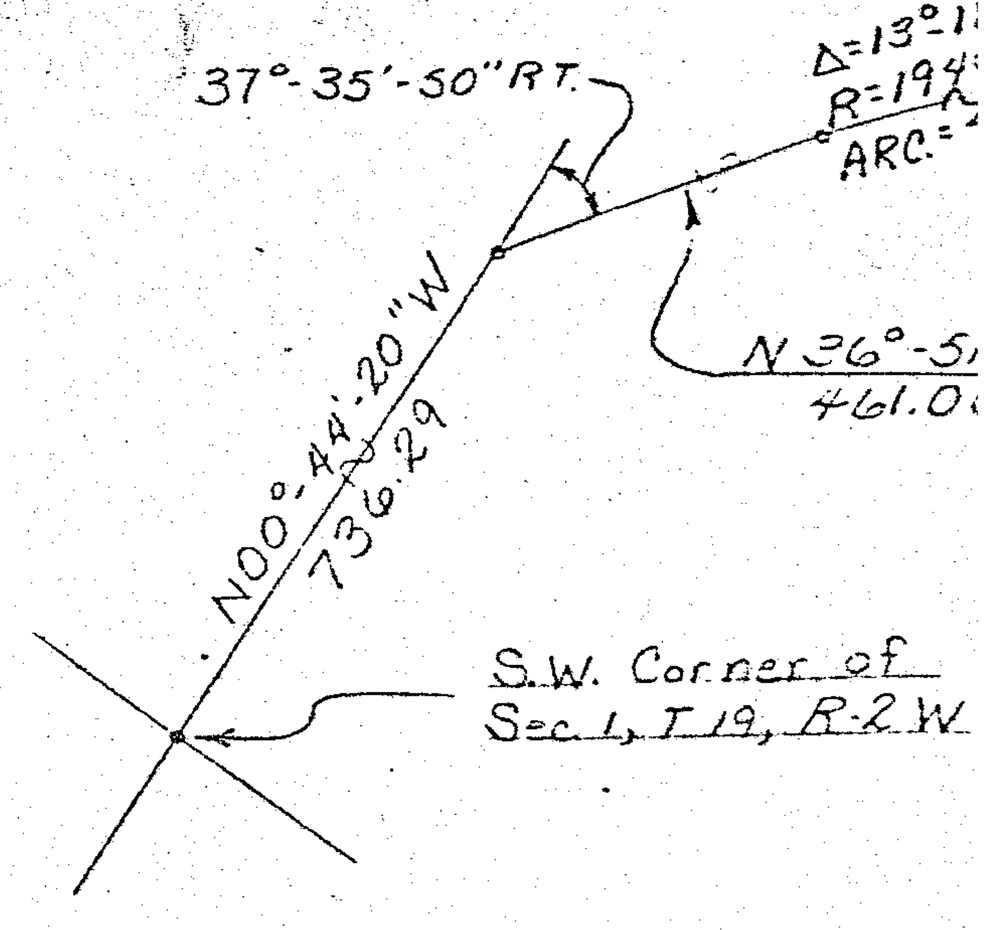

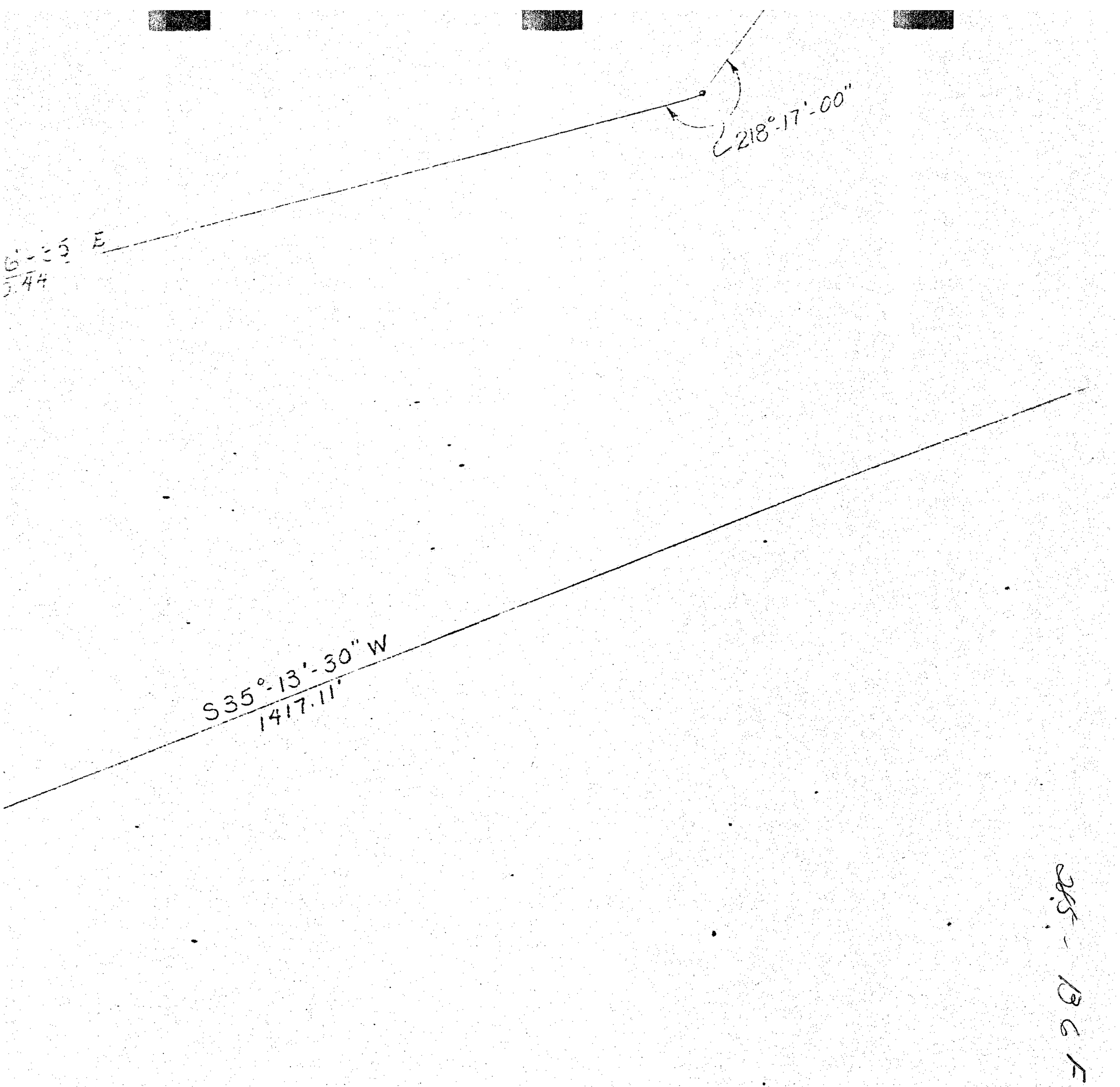

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01/31/1974 12:00:00 AM FILED/CERT

N 9[redacted]32" W
+7.75'

84°-34'-28"

8°-57'-10", R = 2108.59', ARC = 697.50'

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Recd for Rec 1974 JAN 31 PM 1:34

U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conrad M. Sinsich
JUDGE OF PROBATE

THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM, ALA.

		ENGR. ~	DFTM. KWM
		SCALE: 1" = 100'	CKD. BTM
		SEC. 1-19-2 D.P. S-117	APVD. -1
WORK ORDER:	DATE: 12-6-73	DWG. NO. ~	SHEET 1 OF 1