

STATE OF ALABAMA)
COUNTY OF SHELBY)

4907

CONVEYANCE OF
FLOOD RIGHTS

WHEREAS, THE HARBERT-EQUITABLE JOINT VENTURE, an Alabama General Partnership (the "GRANTEE") has constructed or contemplates the construction of a dam across the Dodd Branch of the Cahaba River in Shelby County, Alabama, north of the lands described herein, which said dam and the lake or body of water created thereby will cause a part of the lands herein described to be permanently flooded and an additional part of such lands to be flooded or covered with water from time to time.

NOW, THEREFORE:

KNOW ALL MEN BY THESE PRESENTS, that we, CHARLES SMITH and wife, MILDRED VIRGINIA SMITH (herein sometimes called "GRANTORS") for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grant, bargain, sell and convey unto GRANTEE the right to flood, cover or surround with water permanently that portion of the lands hereinafter described which would either be covered with or which either alone or together with other lands would be entirely surrounded by waters of the Cahaba River or its tributaries should such river or its tributaries be raised and backed up to that certain datum plane of ~~420~~ 419 feet above

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C.S.
M.V.S.



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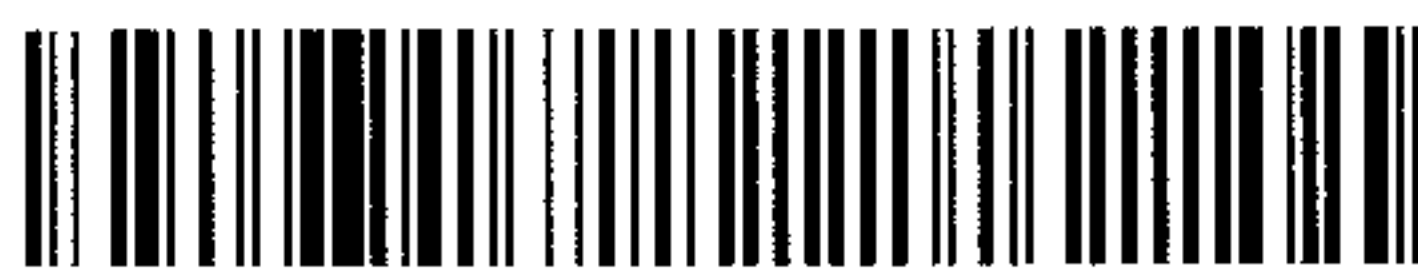
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mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January, 1955; and, for the same consideration, GRANTORS hereby grant, bargain, sell and convey unto GRANTEE the right to flood, cover or surround with water temporarily and from time to time that portion of the lands hereinafter described which lie above such datum plane of ^{419 Ed. mvs.} ~~420~~ feet above said mean sea level and which would be flooded, covered with or surrounded by such waters should such river or its tributaries be raised and backed up to that certain datum plane of 424.5 feet above mean sea level.

Such lands are located in Shelby County, Alabama, and are described as follows:

Begin at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 35, Township 19 South, Range 3 West (said beginning point being as established by survey of James H. Seale December, 1969 and shown on the attached map which is made a part hereof); thence West along the North line of said quarter-quarter section 38.0 feet; thence 90 degrees 30 minutes left 73.8 feet to a rock bluff; thence 65 degrees 43 minutes right 28.0 feet; thence 18 degrees 07 minutes right 36.6 feet; thence 14 degrees 23 minutes right 119.3 feet to a point on a line that is 180.0 feet West of and parallel to the East line of said quarter-quarter line; thence 98 degrees 13 minutes left Southerly along said line 260.0 feet; thence 89 degrees 30 minutes left 180.0 feet to the East line of said quarter-quarter section line; thence 90 degrees 30 minutes left along said quarter-quarter line 333.8 feet to the point of beginning.

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In addition, it is the intent of GRANTORS herein to convey the flood rights described above as to any and all other real property owned by GRANTORS situated in the SE-1/4 of NW-1/4 and the SW-1/4 of NE-1/4 all in Section 35, Township 19 South, Range 3 West, Shelby County, Alabama, whether or not included in the above particular description.

TO HAVE AND TO HOLD TO THE HARBERT-EQUITABLE JOINT VENTURE, its assigns and successors, forever.

GRANTORS covenant with GRANTEE, its successors and assigns that GRANTORS are lawfully seized of the lands hereinabove described, that GRANTORS have a good right to sell and convey the rights, interests, and easements herein granted to GRANTEE, its successors and assigns, and that GRANTORS and their successors and assigns will warrant and defend such rights, interests, and easements to GRANTEE, its successors and assigns, forever against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 12TH day of April, 1976.

Witness:

John E. Norton

Blenda G. Norton

GRANTORS:

Charles Smith
CHARLES SMITH

Mildred Virginia Smith
MILDRED VIRGINIA SMITH



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STATE OF ALABAMA)

COUNTY OF SHELBY)

I, Dorothy J. Anderson, a Notary Public in and for said County, in said State, hereby certify that CHARLES SMITH and wife, MILDRED VIRGINIA SMITH, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand this 9TH day of April, 1976.

Dorothy J. Anderson
Notary Public

My commission expires: March 23, 1977

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Conrad M. Joubert
JUDGE OF PROBATE

STATE OF ALABAMA
1 CERTIFICATE
INSTRUMENT WAS FILED
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