



R/W 731
A-11,934.1

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, HARBAR HOMES, 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 (20.0') in width in the Northeast quarter of the Southeast quarter of Section 11, Township 19 South, Range 2 West, in Shelby 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 and appurtenances 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 as follows, to-wit:

Commencing at the SE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 19 South, Range 2 West, and running West along South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section line for a distance of 626.56 feet to a point; thence turn an angle of 108°01' to the right and run northeasterly for a distance of 340 feet to the Point of Beginning of herein described Right-of-Way. From said Point of Beginning continue along previous course for a distance of 48.035 feet to a point; thence turn 64°58'44" to the right and run northeasterly and parallel and 10 feet from the common lot line between Lots 41 & 42 of Preliminary Map of MEADOW BROOK, 6th Sector, for a distance of 329.5 feet to West Line of Colonial Park Road (60' Width); thence run southerly along said West Line for a distance of 20 feet to a point; thence run southwesterly parallel to aforesaid common lot line and 10 feet south of for a distance of 295.7 feet to a point; thence turn an angle of 23°58'04" to the left and run southwesterly for a distance of 52.1 feet to a point; thence an angle of 45°00' to right and run for a distance of 4.8 feet to the Point of Beginning.

Together with all rights and privileges 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 covenant with the GRANTEE that they are lawfully seized in fee simple of the said premises, that they are free from all incumbrances; except that mortgage dated November 15, 1979, with Birmingham Trust National Bank recorded in the Office of the Judge of Probate of Shelby County, Alabama, on November 15, 1979, in Mortgage Book 7 on Page 67, 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 plot 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 which would prevent ready access to the pipelines and appurtenances of GRANTEE for any of the purposes hereinabove set forth.
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 condition.
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.

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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.

IN WITNESS WHEREOF, said GRANTORS have caused these presents to be executed in duplicate this the 5th day of Dec, 1979.

ATTEST:

Denney Barrow
Denney Barrow, Secretary

HARBAR HOMES, INCORPORATED

B. J. Harris
B. J. Harris, President

19791212000161290 2/3 \$.00
Shelby Cnty Judge of Probate, AL
12/12/1979 12:00:00AM FILED/CERT

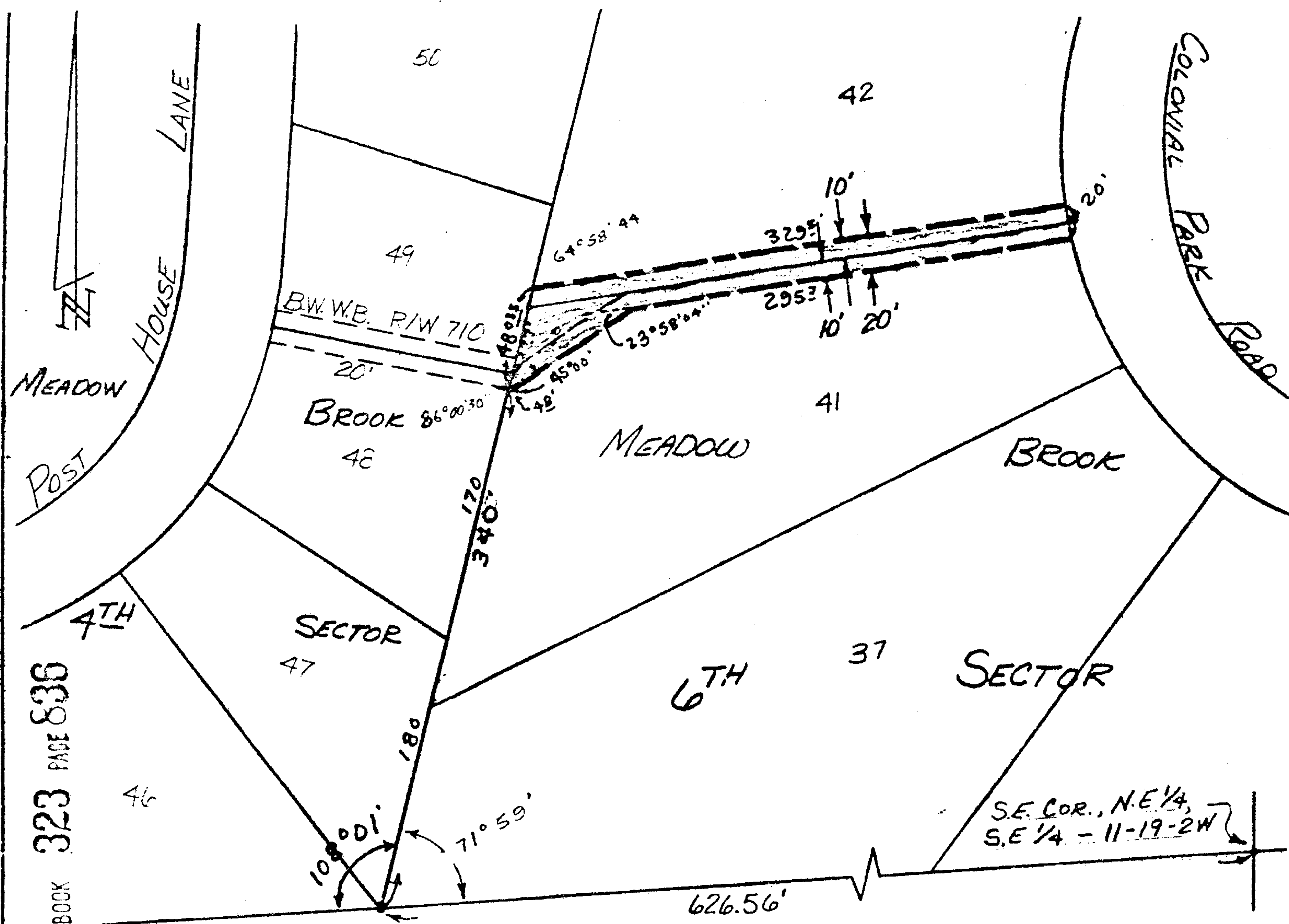
STATE OF ALABAMA)
SHELBY COUNTY)

I, Mary M. Deaver, a Notary Public in and for said County in said State, hereby certify that B. J. HARRIS and DENNEY BARROW whose names, as President and Secretary, respectively, of HARBAR HOMES, INC., an Alabama 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 this instrument, they, as such Officers, and with full authority, executed the same voluntarily, for and as the act of said corporation, on the day the same bears date.

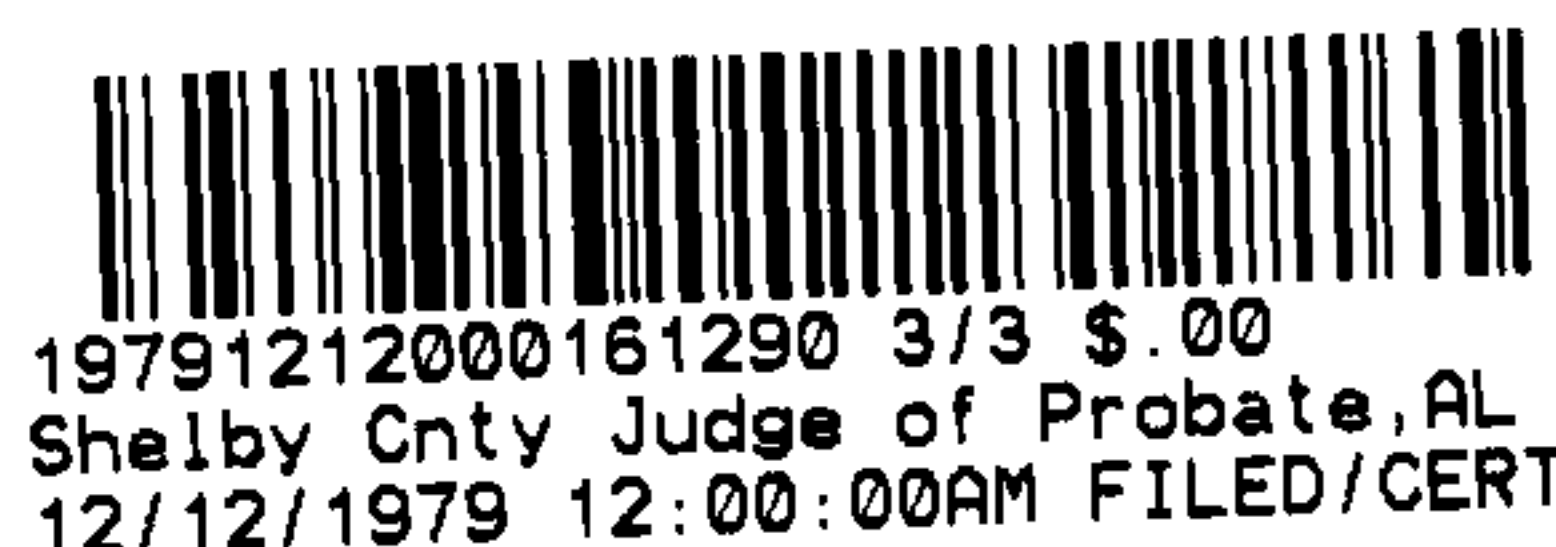
GIVEN UNDER MY HAND AND OFFICIAL SEAL this the 5th day of December, 1979.

(Seal)

Mary M. Deaver
Notary Public



STATE OF ALABAMA
SHELBY COUNTY



I, Edward A. Rogers, Sr., a Registered Land Surveyor of Alabama, do hereby cerntify that the foregoing is a true and accurate map or plat of a Right-of-Way (20 feet in width) situated in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 19 South, Range 2 West in Shelby County, Alabama and being part and parcel of Meadow Brook, 6th Sector, Preliminary Map as shown on foregoing map or plat, being more particularly described as follows:

Commencing at the SE corner of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 19 South, Range 2 West and running West along South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section line for a distance of 626.56 feet to a point; thence turn an angle of 108°01' to the right and run northeasterly for a distance of 340 feet to the Point of Beginning of herein described Right-of-Way. From said Point of Beginning continue along previous course for a distance of 48.035 feet to a point; thence turn 64°58'44" to the right and run northeasterly and parallel and 10 feet from the common lot line between Lots 41 & 42 of Preliminary Map of MEADOW BROOK, 6th Sector, for a distance of 329.5 feet to West Line of Colonial Park Road (60' Width); thence run southerly along said West Line for a distance of 20 feet to a point; thence run southwesterly parallel to aforesaid common lot line and 10 feet south of for a distance of 295.7 feet to a point; thence turn an angle of 23°58'04" to the left and run southwesterly for a distance of 52.1 feet to a point; thence an angle of 45°00' to right and run for a distance of 4.8 feet to the Point of Beginning.

According to my Survey this 16th day of November 1979.

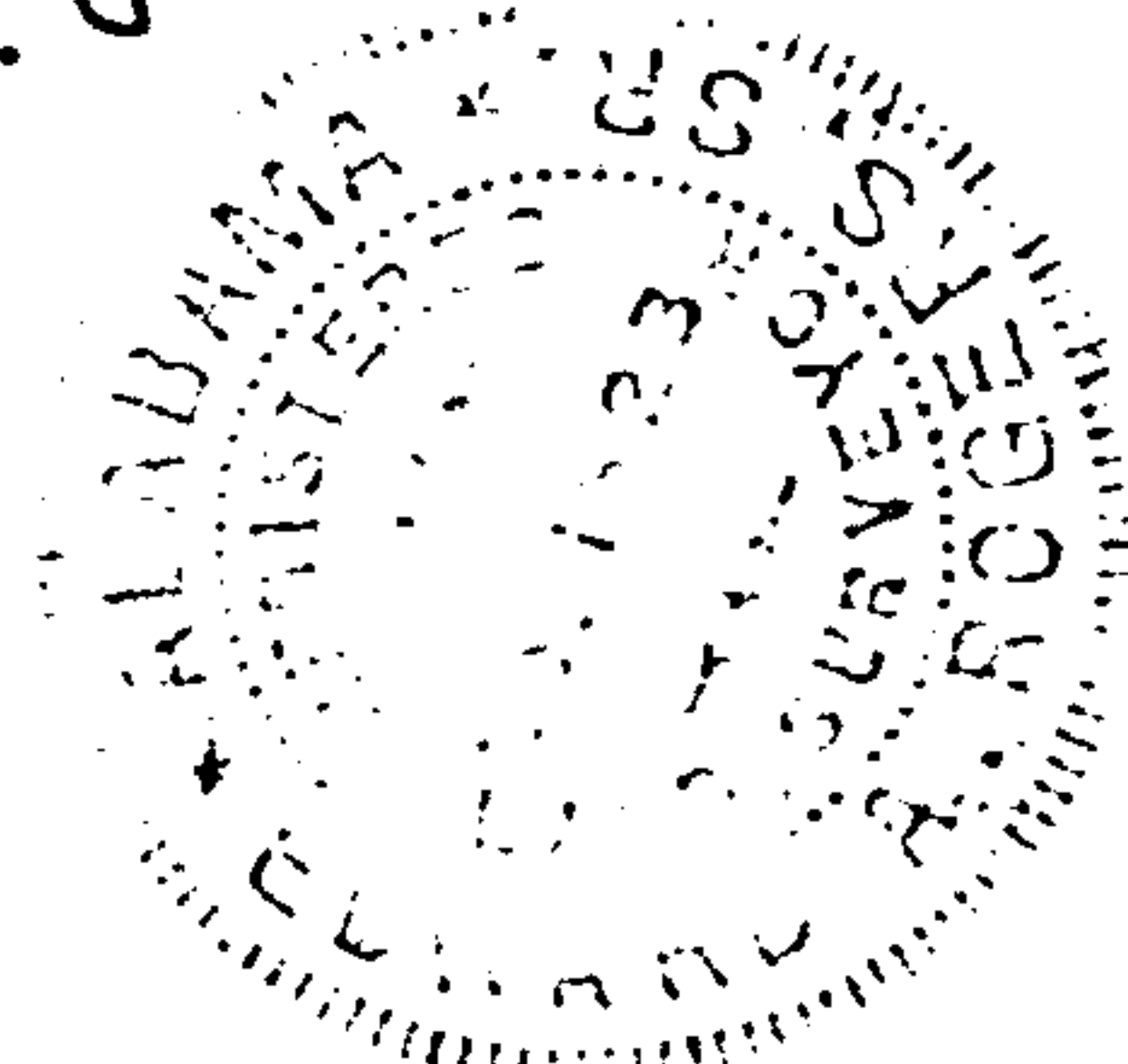
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INDEXED FILED

1979 DEC 12 AM 10: 57

Thomas A. Snowdon, Jr.
JUDGE OF PROBATE

Edward A. Rogers, Sr.
EDWARD A. ROGERS, SR.
LAND SURVEYOR #1623

NO TAX COLLECTED



THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM

SEC 11-19-2 P S-122-3 SCALE 1"=100' O. DATE 8-29-79 BY KWM