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SECOND AMENDMENT TO RESTRICTIVE COVENANTS

STATE OF ALABAMA )

COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS: That,

WHEREAS, USS REALTY DEVELOPMENT DIVISION, UNITED STATES STEEL CORPORATION adopted certain covenants and restrictions for property known as the survey of Cahaba River Park, a real estate subdivision in the west half of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, a map of said subdivision being recorded in Map Book 6, Page 31 in the Probate Office of Shelby County, Alabama; and

WHEREAS, said covenants and restrictions for the use of the lots in said subdivision were duly recorded in Book 9, Page 513, as amended in Book 42, Page 428, in the Probate Office of Shelby County, Alabama; and

WHEREAS, USS Realty Development Division, United States Steel Corporation; Vulcan Materials Company; M & R Partnership, an Alabama general partnership; St. Vincent's Hospital; and R. D. R. Partnership, an Alabama general partnership, are the owners of all the lots in said subdivision; and

WHEREAS, Cahaba Water Renovation Systems, Inc. has entered into a contract to purchase a portion of a Lot in said subdivision, as more particularly described on Exhibit A hereto, and it is anticipated that said property may be used for a domestic sewage treatment facility, along with associated appurtenances and office facilities; and

WHEREAS, the undersigned desire to specifically provide that the property described on Exhibit A may be used for such purposes.

NOW, THEREFORE, we the undersigned USS REALTY DEVELOPMENT DIVISION, UNITED STATES STEEL CORPORATION, VULCAN MATERIALS COMPANY, M & R PARTNERSHIP, an Alabama general partnership, ST. VINCENT'S HOSPITAL and R. D. R. PARTNERSHIP, an Alabama general partnership, do hereby amend Paragraph 1. Use of Lots, as contained in the Declaration of Covenants and Restrictions for Cahaba River Park, as recorded in Book 9, Page 513, and as amended in Book 42, Page 428, in the Probate Office of Shelby County, Alabama, to provide that the portion of said subdivision described on Exhibit A hereto may be used for a domestic sewage treatment facility, along with associated appurtenances and office facilities; provided, however, that a 20-foot buffer zone will be

**BALCH, BINGHAM, BAKER, WARD, SMITH, BOWMAN & THAGARD**  
ATTORNEYS and COUNSELORS  
POST OFFICE BOX 306

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maintained around the boundary of the entire tract described on Exhibit A hereto, and that trees will be planted in said buffer zone, so as to shield the sewage treatment facility and its associated appurtenances and office facilities from other property located in the subdivision.

IN WITNESS WHEREOF, we have hereunto caused this Amendment to be executed effective on this the 19th day of September, 1983.

USS REALTY DEVELOPMENT DIVISION,  
UNITED STATES STEEL CORPORATION

By: [Signature]

Its

President

VULCAN MATERIALS COMPANY

By: [Signature]

Executive Vice President

M & R PARTNERSHIP, an Alabama general partnership

By: [Signature]

Its General Partner

ST. VINCENT'S HOSPITAL

By: [Signature]

Its

Administrator

R. D. R. PARTNERSHIP, an Alabama general partnership

By: [Signature]

Its General Partner

STATE OF Pennsylvania

COUNTY OF Allegheny

I, Marylou R. Klus, a Notary Public in and for said County in said State, hereby certify that C. D. Horne, whose name as President of USS Realty Development Division, United States Steel Corporation, a corporation, 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 the foregoing instrument, 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 of office this 19th day of Sept, 1983.

[Signature]  
Notary Public

My Commission expires: \_\_\_\_\_

MARYLOU R. KLUS, NOTARY PUBLIC  
PITTSBURGH, ALLEGHENY COUNTY  
MY COMMISSION EXPIRES JULY 16, 1987  
Member, Pennsylvania Association of Notaries

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STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Janice Chamberlain, a Notary Public in and for said County in said State, hereby certify that S. Paul Kostuik, whose name as Executive Vice President of Vulcan Materials Company, a corporation, 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 the foregoing instrument, 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 of office this 19th day of July, 1983.

Janice Chamberlain  
Notary Public

My Commission expires: 3/12/86

STATE OF Alabama

COUNTY OF Jefferson

I, Patricia G. Swann, a Notary Public in and for said County in said State, hereby certify that John A. McNeil, whose name as General Partner of M & R Partnership, an Alabama general partnership, 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 the foregoing instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal of office this 10th day of August, 1983.

Patricia G. Swann  
Notary Public

My Commission expires: My Commission Expires July 22, 1986

STATE OF

COUNTY OF

I, Rakay A. Freund, a Notary Public in and for said County in said State, hereby certify that Robert Carlos McDoonell, whose name as Administrator of St. Vincent's Hospital, a corporation, 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 the foregoing instrument, she, 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 of office this 20 day of June, 1983.

Rakay A. Freund  
Notary Public

My Commission expires: My Commission Expires August 21, 1985

STATE OF

COUNTY OF

I, Deborah B Gosdin, a Notary Public in and for said County in said State, hereby certify that W. Earl Richards, whose name as general partner of R. D. R. Partnership, an Alabama general partnership, 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 the foregoing instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal of office this 24<sup>th</sup> day of August, 1983.

Deborah B Gosdin  
Notary Public

My Commission expires: 3-22-87

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EXHIBIT A  
TO  
SECOND AMENDMENT TO RESTRICTIVE COVENANTS

A part of Lot "2-D", according to the map of a "Resurvey of Lot "2B", Cahaba River Park", as recorded in Map Book 8, Page 95, in the Office of the Judge of Probate, Shelby County, Alabama, and being more particularly described as follows: Begin at the most Northwesterly corner of said Lot "2-D", said point being the intersection of the West line of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35, Township 18 South, Range 2 West, and the Southerly right-of-way line of River View Road; thence, from said point of beginning, run Easterly 247.23 feet along said Southerly right-of-way line and along the arc of a curve to the left having a radius of 336.63 feet and a central angle of 42 deg. 04' 46" to the point of tangent; thence continue Northeasterly 565.19 feet along said tangent to a point; thence turn 118 deg. 55' 08" right and run Southerly 1476.53 feet to a point on the Southerly line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section; thence turn 95 deg. 56' 04" right and run Westerly 814.30 feet to a point, said point being the SW corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section; thence turn 88 deg. 03' 31" right and run Northerly 1088.54 feet along the Westerly line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section to the point of beginning of the tract herein described. Said part of Lot "2-D" is situated in the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama.

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1983 OCT -4 AM 9:32

*William A. Lawrence, Jr.*  
JUDGE OF PROBATE

Rec 7.50  
Jud 1.00  
8.50