

1117

STATE OF ALABAMA     )  
                              )  
COUNTY OF SHELBY    )

EASEMENT AGREEMENT

THIS AGREEMENT, dated this 26<sup>th</sup> day of NOVEMBER, 1984, by and among HELEN CROW MILLS, as Trustee under Declaration of Trust dated December 1, 1964 for the benefit of Allison Crow Mills and Helen Carolyn Mills ("Mills"); ROBERT H. CARLSON, III and GERALDINE C. BELT ("Carlson and Belt"); and RICHARD D. REESE ("Reese").

R E C I T A L S

624 565  
A. Mills is the owner of certain real property located in Section 17, Township 19 South, Range 2 West, in Shelby County, Alabama, including the real property depicted on Exhibit A attached hereto.

B. Carlson and Belt are the owners of real property located in Section 17, Township 19 South, Range 2 West, in Shelby County, Alabama, as described on Exhibit B attached hereto (the "Carlson Property").

C. Reese is the owner of real property located in Sections 17 and 18, Township 19 South, Range 2 West, in Shelby County, Alabama, as described on Exhibit C attached hereto (the "Reese Property").

D. The dirt roadway depicted on Exhibit A, the legal description of which is also set forth on Exhibit A hereto (the "Roadway") has served Carlson and Belt and Reese and

*Thomas, Salazar*

their respective predecessors in title to the Carlson Property and the Reese Property as a means of access thereto. The parties desire to execute this instrument to evidence their agreement and understanding as to their respective rights to the Roadway.

AGREEMENT

NOW, THEREFORE, in consideration of the agreements set forth herein and other valuable consideration, the receipt and sufficiency of which are acknowledged by each party hereto, the parties agree as follows:

1. Mills hereby grants, bargains, sells and conveys unto Carlson and Belt and Reese, and to their respective heirs, legal representatives, successors in title and assigns of all or any portion of the Carlson Property or the Reese Property, a non-exclusive easement and right-of-way across the portion of the Roadway located on the Mills Property, which is more fully described on Exhibit D attached hereto, for the purpose of ingress to and egress from the Carlson Property and the Reese Property, and for location and maintenance of utility poles, lines, pipelines and other apparatus.

2. Any party hereto, or his heirs, legal representatives, successors in title or assigns may, at its expense, pave or otherwise improve any portion of the Roadway.

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024 REG 567

3. The agreements set forth herein shall be perpetual, shall run with the land, and shall bind and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors, assigns, mortgagees, and any other party now or hereafter having any right, title or interest in or to the property affected hereby. This Agreement may be amended only by a writing executed by all persons at the time having an interest in the Mills Property, the Carlson Property and the Reese Property.

4. The property described herein is not the homestead of any of the parties hereto, or their spouses.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

4/17/85 RHC

Helen Crow Mills trustee  
Helen Crow Mills, as Trustee under Declaration of Trust dated December 1, 1964 for the benefit of Allison Crow Mills and Helen Carolyn Mills

Robert H. Carlson III  
Robert H. Carlson, III

Geraldine C. Belt 4-17-85  
Geraldine C. Belt

Richard D. Reese  
Richard D. Reese

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Helen Crow Mills, whose name as Trustee under the Declaration of Trust dated December 1, 1964 for the benefit of Allison Crow Mills and Helen Carolyn Mills, 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 instrument, she executed the same voluntarily, in her capacity as said Trustee, on the day the same bears date.

Given under my hand and official seal this 24 day of October, 1984.

Randall Edward Thompson  
Notary Public

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert H. Carlson, III, 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26<sup>th</sup> day of NOVEMBER, 1984.

Clair M. ...  
Notary Public

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Geraldine C. Belt, 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 the instrument, she executed the same voluntarily on the day the same bears date.



Given under my hand and official seal this <sup>17<sup>th</sup></sup>~~26<sup>th</sup>~~ day of November, 198~~5~~<sup>4</sup>  
April

[Signature]  
Notary Public

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Richard D. Reese, 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 the instrument, he executed the same voluntarily on the day the same bears date.

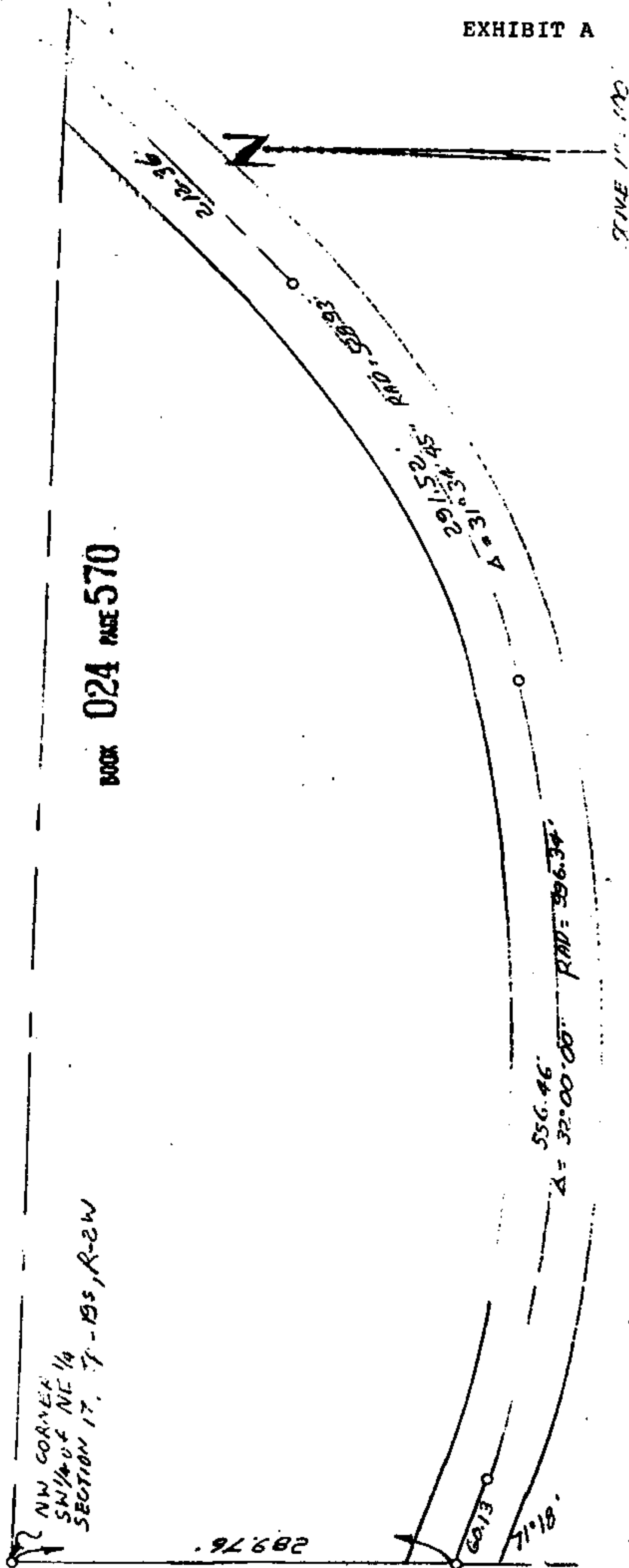
Given under my hand and official seal this 21 day of November, 1984.

[Signature]  
Notary Public



635 MAR 120

EXHIBIT A



STATE OF ALABAMA)  
SHELBY COUNTY)

I, Ray W. Sport a Registered Land Surveyor of Pinson, Alabama do hereby certify the foregoing to be a true and correct map or plat of a survey made by me on a 60 foot right of way for ingress and egress the centerline of which is described as follows: Commence a the NW Corner of the SW 1/4 of the NE 1/4 of Section 17, Tp-19S, R-2W and run south along the west line thereof for 289.76' to the Point of Beginning; thence 716.18' Left and run southeasterly for 60.13' to the beginning of a curve to the left having a radius of 996.34' and a central angle of 32°00'00"; thence southeasterly along the arc of said curve for 556.46' to the beginning of another curve to the left having a central angle of 31°34'45" and a radius of 528.93'; thence northeasterly along the arc of said curve for a distance of 291.52'; thence continue tangent to said curve for 212.36' to the north line of said 1/4 Section and the end of said right of way. Extending and shortening the sidelines so as to terminate at the property line of the grantor.

According to my survey this 27th day of Sept. 1984.

*Ray W. Sport*  
Ray W. Sport, LS#1281  
7987 Highway 79  
Pinson, Alabama 35126  
Tel. 681-2561

*He M*



EXHIBIT B

The following described real property lying and being situated in Shelby County, Alabama:

Part of the SW 1/4 of SE 1/4 and part of the SE 1/4 of SW 1/4 of Section 8, Township 19 South, Range 2 West, and part of the N 1/2 of the NW 1/4 of Section 17, Township 19, South Range 2 West, and part of the S 1/2 of the NW 1/4 of said Section 17 and the northwest diagonal half of the NW 1/4 of the NE 1/4 of said Section 17, except a small triangular portion off the north side thereof, the outside boundaries of the combined property being more particularly described as follows: Commence at the southwest corner of the SW 1/4 of the SE 1/4 of Section 8, Township 19, South, Range 2 West, and run east along the south boundary thereof 415 feet, thence turning an angle to the left of 136° 22' and run northwesterly along an old fence and hedge line 835.3 feet to the southern bank of the Cahaba River for a point of beginning of the property herein described, thence turn an angle to the right of 180° and run southeasterly along the last named course which is along said old fence and hedge line 835.3 feet, thence continue along same course into the northwest diagonal half of the NW 1/4 of the NE 1/4 of Section 17, Township 19 South, Range 2 West for 100 feet, thence turn an angle to the left of 86° 47' and run northeasterly 100.9 feet to the north boundary of said northwest diagonal half, thence east along said north boundary 764.66 feet to the northeast corner of the NW 1/4 of the NE 1/4 of said Section 17, thence southwesterly along the southeast boundary of the northwest diagonal half of said NW 1/4 of NE 1/4 to the southwest corner of said NW 1/4 of NE 1/4 of said Section 17, thence south along the east boundary of the SE 1/4 of the NW 1/4 of said Section 17, to the southeast corner of same, thence northwesterly to the center of said southeast quarter of northwest quarter of said Section 17, thence southwesterly to the southwest corner of said SE 1/4 of NW 1/4 of said Section 17, thence north along the west boundary of said SE 1/4 of NW 1/4 of said Section to the northwest corner of same, thence west along the north boundary of the SW 1/4 of NW 1/4 of said Section 17 for a distance of 549.5 feet, thence turn an angle to the left of 122° 20' and run southeasterly 325 feet, thence turn an angle to the right of 117° 51' and run 144.9 feet, thence turn an angle to the left of 10° 16' and run westerly 136.55 feet, thence turn an angle to the left of 11° 47' and run southwesterly 163.5 feet, thence turn an angle to the right

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of 79° 15' and run northwesterly 262.38 feet, thence turn an angle to the left of 31° 18' and run northwesterly 111 feet to the eastern bank of the Cahaba River, thence continue along the last named course to the center of said Cahaba River, thence up the center and along the meanderings of said river to a point opposite the beginning point, thence southeasterly to the point of beginning on the Southern Bank of said river.

PARCEL TWO:

The following described real property lying and being situated in Jefferson County, Alabama, and Shelby County, Alabama:

Part of the NW 1/4 of the NW 1/4 of Section 17, Township 19, South, Range 2 West, and part of the NE 1/4 of NE 1/4 of Section 18, Township 19 South, Range 2 West, more particularly described as follows: Commence at the northeast corner of said Section 18, Township 19, South, Range 2 West, and run thence west along the north line of said Section 18 for a distance of 164.45 feet to the point of beginning. From the beginning point thus obtained continue west along the north line of said Section 18 for a distance of 106.72 feet to the center line of Rocky Ridge Road, thence turning an angle to the left of 65° 20' and run southwesterly along the center line of said road for 113.62 feet, thence turning an angle to the right of 10° 22' and continue southwesterly along the center line of said road for 376.75 feet, thence turning an angle to the right of 19° 30' and continue southwesterly along the center line of said road for 147.18 feet, thence turning an angle to the left of 124° 13' and run southeasterly 715.57 feet to a point on the east line of aforesaid NE 1/4 of NE 1/4 of said Section 18, which point is 745.74 feet south of the northeast corner of said section, thence continue southeasterly along last named course 142.06 feet to the center of Cahaba River, thence turning an angle to the left of 72° 27' and northeasterly along center of Cahaba River 114.26 feet, thence at an angle to the left of 107° 33' and northwesterly 90 feet, thence turning an angle to the right of 53° 23' and run northwesterly 110.45 feet, thence turning an angle to the left of 16° 32' and continue northwesterly for 175.36 feet to a point in the west line of the NW 1/4 of NW 1/4 of Section 17, Township 19 South, Range 2 West, continue northwesterly along last named course 276.93 feet, thence turning an angle to the right of 8° 24' and run northerly through a pond for 80.60 feet, thence turning an angle to the right of 35° 56' and run northerly for a distance of 122.32 feet to the point of beginning.

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EXHIBIT C

PARCEL A:

All that part of the Northwest Quarter of Southwest Quarter of Section 17, Township 19 South, Range 2 West, Shelby County, Alabama, EXCEPT that party lying South of the centerline of Cahaba River, described as follows:

Exception: Begin at the Southwest corner of the NW-1/4 of SW-1/4 of Section 17, Township 19 South, Range 2 West; thence Easterly along the South line of said Quarter-Quarter Section 1317.87 feet to the Southeast corner thereof; thence Northerly along the East line of said Quarter-Quarter Section 762.31 feet, more or less, to the centerline of Cahaba River; thence left 105 deg. 14 min. 30 sec. meandering Southwesterly along said centerline 1366.33 feet to the intersection with the West line of said Quarter-Quarter Section; thence left 74 deg. 51 min. 30 sec. Southerly along said West line 376.75 feet to the point of beginning. Said tract north of the centerline of Cahaba River.

PARCEL B:

All that part of the Southwest Quarter of Northwest Quarter of Sec. 17 Township 19 South, Range 2 West, Shelby County, Alabama, described as follows:

Begin at the N.E. corner of SW-1/4 of NW-1/4 of Section 17, Township 19 South, Range 2 West, thence West along the North boundary of the SW-1/4 of NW-1/4 of said Section 17, for a distance of 549.5 feet; thence turn an angle to the left of 122 deg. 20 min. and run Southeasterly 325 feet; thence turn an angle to the right of 117 deg. 51 min. and run 144.9 feet; thence turn an angle to the left of 10 deg. 16 min. and run Westerly 136.55 feet; thence turn an angle to the left of 11 deg. 47 min. and run Southwesterly 163.5 feet; thence turn an angle to right of 79 degrees 15 minutes and run Northwesterly 262.38 feet; thence turn an angle to the left of 31 degrees 18 minutes and run Northwesterly 111 feet to the Eastern bank of the Cahaba River; thence continue along the last named course 171.4 feet to the center of said Cahaba River; thence 135.47 feet left along said centerline 258.12 feet; thence 82 deg. 40 min. right Southwesterly 261.90 feet to the intersection of West line of said 1/4-1/4 line and said centerline of Cahaba River, said point being 356.48 feet North of the Southwest corner of the SW-1/4 of NW-1/4; thence Southerly along the West line of said 1/4-1/4 Section 856.48 feet to the Southwest corner of said 1/4-1/4 Section; thence Easterly along the South said 1/4-1/4 Section; thence Northerly along the East line of said 1/4-1/4 Section 1342.31 feet to the point of beginning.

PARCEL C:

All that part of the SE-1/4 of NE-1/4 of Section 18, Township 19 South, Range 2 West, Jefferson County, Alabama, lying East of the centerline of Cahaba River, more particularly described as follows: Begin at the Southeast corner of the SE-1/4 of NE-1/4 of Section 18, Township 19 South, Range 2 West; thence Westerly along the South line of said 1/4-1/4 Section 576.09 feet to the centerline of Cahaba River; thence 71 deg. 16 min. right Northwesterly meandering said centerline 201.35 feet thence 24 deg. 23 min. 30 sec. right Northerly meandering said centerline 194.34 feet; thence 38 deg. 36 min. 30 sec. right meandering said centerline 299.62 feet; thence 12 deg. 12 min. right Northeasterly meandering said centerline 464.37 feet to the intersection with the East line of said 1/4-1/4 line; thence 121 deg. 49 min. right Southerly along said 1/4-1/4 line 856.48 feet to the point of beginning.

All that part of the NE 1/4 of the SE 1/4 lying east of Cahaba River 19-19-2 West.

EXHIBIT

D

*7/10/78*

LEGAL DESCRIPTION OF EASEMENT OR RIGHT OF WAY (REV.)

024 574

A strip of land situated in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 17, Township 19 South, Range 2 West, Shelby County, Alabama; said strip of land being 60 feet wide, 30 feet on each side of the following described centerline; commence at the NW corner of said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence South along the West line thereof a distance of 289.76' to the point of beginning; thence an angle to the left of 71°18', and run in a Southeasterly direction a distance of 60.13' to the beginning of a curve to the left; said curve having a radius of 996.34' and subtending a central angle of 32°00'00" thence run in a Southeasterly direction along the arc of said curve a distance of 556.46' to the beginning of another curve to the left; said curve having a radius of 528.93' and subtending a central angle of 31°34'45" thence run in a Northeasterly direction along the arc of said curve a distance of 291.52'; thence on tangent to said curve, run Northeasterly 212.36' to a point on the North line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , the end of strip of land. Extending and shortening the side lines so as to terminate at the property line of the grantor.

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

1985 APR 22 AM 8:41

*Thomas W. Saunders, Jr.*  
JUDGE OF PROBATE

*Rec. 2500*  
*Int. 400*  
*2900*