

2216

THIS INSTRUMENT PREPARED BY:
Randolph H. Lanier
Balch & Bingham
Post Office Box 306
Birmingham, Alabama 35201

STATE OF ALABAMA)

ROADWAY EASEMENT

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by RIVERCHASE RESIDENTIAL ASSOCIATION, INC., a not-for-profit corporation (hereinafter referred to as "GRANTEE"), to the undersigned, THE OAKS PARTNERSHIP, an Alabama general partnership, and SOUTHTRUST BANK, NATIONAL ASSOCIATION, as mortgagee (hereinafter collectively referred to as "GRANTOR"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents grant and convey unto said GRANTEE a sixty-foot (60') wide easement for a roadway right-of-way for ingress and egress by pedestrian or vehicle travel over the easement area described on Exhibit "A", attached hereto and made a part hereof.

TOGETHER with all rights and privileges necessary for the full enjoyment and use of said easement, including, but not limited to the right to clear, grade, and/or pave said easement area.

Any road constructed on said easement area shall be at the sole cost and expense of GRANTEE. GRANTEE shall cause a gate to be placed on any such road which shall be closed during the hours of 8:00 p.m. and 6:00 a.m. of each day to prevent or discourage access along said easement area during such hours. The provision of this paragraph are a material part of the grant of this easement, and the continued breach of the provisions of this paragraph shall be cause for the termination of this easement by GRANTOR, its successors or assigns.

Riverchase
P.O. Box 1297
B'ham, AL 35201

GRANTOR reserves unto GRANTOR, its successors and assigns, the right to use said easement with GRANTEE, in common with others. GRANTEE shall have the right to assign this easement to a municipality, county, state, or other governmental entity subject to the terms and conditions set forth herein.

TO HAVE AND TO HOLD unto the said Riverchase ^{Residential} ~~Business~~ Association, Inc., its successors and assigns, forever.

IN WITNESS WHEREOF, the GRANTOR has caused this conveyance to be executed by its duly authorized officer effective on this the 27 day of

January, 1988.

OWNER:

THE OAKS PARTNERSHIP,
an Alabama General Partnership

BY: Still Hunter & Associates, Inc.
an Alabama corporation, its
General Partner

BY: Still Hunter
Its PRESIDENT

BY: Cahaba Hills Development, Inc.,
an Alabama corporation, its
General Partner

BY: Hastwell Davis
Its President

BY: The Harbert Enterprises Partner-
ship, its General Partner

BY: Brax Harbert
Its PRESIDENT

MORTGAGEE:

SOUTHTRUST BANK, NATIONAL ASSOCIATION

By: Jack C. Moran
Its Assistant Vice-President

EXHIBIT "A"

TO

ROADWAY EASEMENT

60' Strip on Still Hunter Property Part of the South½ of SW¼ of Section 26, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

From the southwest corner of said SW¼ of Section 26 run in an easterly direction along the southline of said Section 26 for a distance of 1,075.56 feet; thence turn an angle to the left of 90° and run in a northerly direction for a distance of 696.17 feet to an existing iron pin being the most southerly corner of Lot 229, Riverchase Country Club 9th Addition as recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 8, Page 46 A & B being the point of beginning; thence turn an angle to the right of 18° 58' 28" and run in a northeasterly direction along the east line of said Lot 229 and its northeasterly extension for a distance of 400 feet, to a point; thence turn an angle to the right and run in an easterly direction for a distance of 60 feet, more or less, to a point 60.00 feet square off of last mentioned east line of Lot 229 and its northeasterly extension; thence turn an angle to the right and run in a southwesterly direction along a line 60.00 feet east of and parallel to aforementioned east line of Lot 229 and its northeasterly extension for a distance of 400 feet, more or less, to a point on the north right-of-way line of River Park Drive; thence turn an angle to the right and run in a northwesterly direction along the curved north right-of-way line of said River Park Drive for a distance of 60.00 feet to the point of beginning.

EXHIBIT "B"

TO

ROADWAY EASEMENT

Description of Property Benefitted by Easement

Lot 291, Riverchase Country Club Subdivision 9th Addition as recorded in Map Book 8, Page 46 A&B in the office of Judge of Probate, Shelby County, Alabama.

BOOK 117 PAGE 27

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

1987 FEB 27 AM 10:08

Thomas A. Henderson, Jr.
JUDGE OF PROBATE

1. Deed Tax	\$ 1.50
2. Mtg. Tax	
3. Recording Fee	10.00
4. Indexing Fee	1.00
TOTAL	11.50

For Identification:

THE OAKS PARTNERSHIP

By: *[Signature]*