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2/4/88

STATE OF ALABAMA )  
COUNTY OF SHELBY )

CREATION OF EASEMENTS AND MAINTENANCE OBLIGATION

This Creation of Easements and Maintenance Obligation made this 11<sup>th</sup> day of MAY, 1988 by Robert Riley (herein "Riley") and Robert A. Enoch (herein "Enoch").

WHEREAS, Enoch and Riley own as tenants in common the Southwest quarter of the Southeast quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama (herein "the Property"); and

WHEREAS, Enoch and Riley are desirous of dividing the Property into four (4) parcels, provide for access and maintenance of such access to the said parcels and set forth easements for utilities; and

WHEREAS, attached hereto is survey of the Property done by McCullers-Capps and Associates, Inc. dated March 25, 1988 under Job Number 87-014 which is incorporated by reference herein as Exhibit "A" (herein "the survey"); and

WHEREAS, attached hereto as Exhibit "B" is the legal description of Lot 4-A; Exhibit "C" is the legal description of Lot 4-B; Exhibit "D" is the legal description of Lot 4-C; Exhibit "E" is the legal description of Lot 4-D; and Exhibit "F" is the legal description of a cul-de-sac, all of such exhibits being hereby incorporated by reference herein and being referred to in this document by the lot being referred to or as the cul-de-sac as appropriate.

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NOW, THEREFORE, Enoch and Riley hereby declare that, in addition to other easements, restrictions and agreements of record, the Property is hereby subjected as set forth herein to the following:

1. A perpetual easement is hereby reserved over that portion of Lot 4-B which is the cul-de-sac for the benefit of the Property to provide ingress, egress and utilities to the Property.

2. Lots 4-A and 4-C are hereby encumbered by a perpetual easement for utilities as the same is shown on the survey as "30 foot utility easement," such easements being for the benefit of the Property.

3. The easements set forth hereinabove in Paragraphs 1 and 2 shall be perpetual, shall run with the land and shall be binding on and inure to the benefit of Enoch and Riley, their heirs, executors, administrators, successors and assigns.

4. The easement created hereinabove in Paragraph 1 for ingress and egress shall terminate when, or at such time as, the cul-de-sac is dedicated to and accepted by Shelby County, Alabama as a public roadway. Unanimous consent of the owners of the Property shall be required to instigate the offering of the cul-de-sac to Shelby County, Alabama as a public roadway, however, no such offering shall be made until the roadway as referred to in that certain Grant of Easements and Maintenance Obligation as

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recorded in Book 056, Page 783 in the Office of the Judge of Probate, Shelby County, Alabama has been dedicated to and accepted by Shelby County, Alabama as a public roadway.

5. Until such time as the cul-de-sac is dedicated to and accepted by Shelby County, Alabama as a public roadway, the cul-de-sac shall be maintained by, and the costs shared by, the then owners of the Property in proportion to their ownership as related to the total of the Property. Provided, however, that the total annual cost of maintenance expense shall not exceed One thousand Dollars which shall be shared by the then owners of the Property on a pro rata basis. In the event that any owners who have constructed a residence on any portion of the Property determine that additional maintenance is necessary to maintain the road in its original condition, requiring expenses beyond the amount of the annual maintenance expense, then all such additional expense must be approved by the then owners of at least three (3) of the lots within the Property. No owner of any portion of the Property shall be required to pay an amount above the said pro rata share of the annual maintenance expense unless a residential structure has been constructed on the said owner's lot.

Each owner of any lot shall be required to bear the expense of scraping and/or repairing as necessary the cul-de-sac as soon after the completion of construction of a residential structure on such owner's lot as is practicable.

If any one or more identifiable owners of the Property, their agents, invitees, licensees or household residents is/are the cause(s) of any damage to the cul-de-sac, such damage shall be repaired at such owner's sole expense.

6. UTILITY EASEMENT. Electrical power and telephone service shall be underground and run along that portion of Lot 4-A and the cul-de-sac as follows and which is herein called the "Primary Utility Run:" from the point near the Northeast corner of the Property where service of electrical power and telephone service touch the Property, commence in a Southerly direction as appropriate across the cul-de-sac to the thirty (30) foot utility easement as shown on the survey on Lot 4-A; thence follow the run of such thirty (30) foot utility easement across the said Lot 4-A to its end (which adjoins the Southwest corner of Lot 4-B). The thirty (30) foot utility easement laterals as shown on the survey which service and benefit Lots 4-C and 4-D and any necessary lateral to service Lot 4-B are not included in the Primary Utility Run. The total cost of installing the Primary Utility Run shall be borne by the then owners of the Property on a pro rata basis.

7. In the event any owner of any portion of the Property fails to meet the monetary requirements as hereinbefore set out in Paragraphs 5 and 6, any person to whose benefit this instrument inures shall have the right to proceed against such non-complying owner and to sue for and recover damages or take all courses of action available or appropriate to enforce the

provisions of Paragraphs 5 and 6 of this instrument. The successful party in such litigation shall, in addition to any other rights, be entitled to a reasonable attorney's fee for the prosecution of such action.

IN WITNESS WHEREOF, Robert Riley and Robert A. Enoch have hereunto set their hands and seals this 11<sup>th</sup> day of May, 1988.

Robert Riley  
Robert Riley  
Robert A. Enoch  
Robert A. Enoch

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Robert Riley, 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 11<sup>th</sup> day of May, 1988.

Mary Ann Enoch  
Notary Public

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Robert A. Enoch, 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 11<sup>th</sup> day of May, 1988.

Mary Ann Enoch  
Notary Public

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Robert A. Enoch, 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 11 day of MAY, 1988.

A. T. Ryn  
Notary Public



EXHIBIT 'B'

87-014-A

LOT-4A

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Northeast Corner of said Southwest Quarter of Southeast Quarter; thence S 87°24'53" W along the north line of said Southwest Quarter of Southeast Quarter for 639.85 feet to the POINT OF BEGINNING; thence S 16°07'51" W for 688.43 feet to a point; thence S 71°43'43" E for 213.70 feet to a point; thence N 87°24'53" E for 379.80 feet to the beginning of a curve to the left, said curve having a central angle of 89°24'23", a radius of 125.00 feet and an arc length of 195.06 feet; thence proceed Northeasterly along the arc of said curve for 195.06 feet to the end of said curve; thence N 01°59'30" W and parallel with the east line of said Southwest Quarter of Southeast Quarter for 479.42 feet to a point; thence N 65°03'36" E for 20.95 feet to a point on a curve to the left, said curve having a central angle of 40°20'57", a radius of 71.00 feet, an arc length of 50.00 feet and a chord which bears S 40°48'35" E for 48.97 feet; thence proceed southeasterly along the arc of said curve for 50.00 feet to a point; thence S 01°59'30" E and parallel with the east line of said Southwest Quarter of Southeast Quarter for 449.43 feet to the beginning of a curve to the right, said curve having a central angle of 89°24'23", a radius of 175.00 feet and an arc length of 273.07 feet; thence proceed southwesterly along the arc of said curve for 273.07 feet to the end of said curve; thence S 87°24'53" W for 389.00 feet to a point; thence N 71°43'43" W for 402.60 feet to a point; thence S 88°08'07" W for 289.00 feet to a point on the west line of said Southwest Quarter of Southeast Quarter; thence N 01°51'53" W along the west line of said Southwest Quarter of Southeast Quarter for 631.20 feet to the Northwest corner of said Southwest Quarter of Southeast Quarter; thence N 87°24'53" E along the north line of said Southwest Quarter of Southeast Quarter for 687.67 feet to the POINT OF BEGINNING.

Containing 10.1 acres more or less.



EXHIBIT 'C'

87-014-B

LOT-4B  
(includes Cul-De-Sac)

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the Northeast corner of said Southwest Quarter of Southeast Quarter being the POINT OF BEGINNING; thence S 01°59'30" E along the east line of said Southwest Quarter of Southeast Quarter for 100.00 feet to the beginning of a curve to the right, said curve having a central angle of 121°00'28", a radius of 66.00 feet and an arc length of 139.39 feet; thence proceed southwesterly along the arc of said curve 139.39 feet to the end of said curve and the beginning of a curve to the right, said curve having a central angle of 40°20'57", a radius of 71.00 feet and an arc length of 50.00 feet; thence proceed northwesterly along the arc of said curve for 50.00 feet to a point; thence S 65°03'36" W for 20.95 feet to a point; thence S 01°59'30" E and parallel with the east line of said Southwest Quarter of the Southeast Quarter for 479.42 feet to the beginning of a curve to the right, said curve having a central angle of 89°24'23", a radius of 125.00 feet, and an arc length of 195.06 feet; thence proceed southwesterly along the arc of said curve for 195.06 feet to the end of said curve; thence S 87°24'53" W for 379.80 feet to a point; thence N 71°43'43" W for 213.70 feet to a point; thence N 16°07'51" E for 688.43 feet to a point on the north line of said Southwest Quarter of Southeast Quarter; thence N 87°24'53" E along the north line of said Southwest Quarter of the Southeast Quarter for 639.85 feet to the POINT OF BEGINNING.

Containing 10.5 acres, more or less.

EXHIBIT D

87-014-C

LOT-4C

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land situated in the Southwest Quarter of the Southeast Quarter, Section 22, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

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Commence at the Northeast corner of said Southwest Quarter of the Southeast Quarter; thence S 01°59'30" E along the east line of said Southwest Quarter of the Southeast Quarter for 1332.50 feet to the southeast corner of said Southwest Quarter of Southeast Quarter; thence S 07°22'03" W along the south line of said Southwest Quarter of Southeast Quarter for 851.48 feet to the POINT OF BEGINNING; thence continue S 07°22'03" W along the south line of said Southwest Quarter of Southeast Quarter for 479.00 feet to the Southwest Corner of said Southwest Quarter of Southeast Quarter; thence N 01°51'53" W along the west line of said Southwest Quarter of Southeast Quarter for 702.44 feet to a point; thence N 88°08'07" E for 289.00 feet to a point; thence S 71°43'43" E for 402.60 feet to a point; thence N 87°24'53" E for 389.00 feet to the beginning of a curve to the left, said curve having a central angle of 89°24'23", a radius of 175.00 feet and an arc length of 273.07 feet; thence proceed northeasterly along the arc of said curve for 273.07 feet to the end of said curve; thence N 01°59'30" W and parallel with the east line of said Southwest Quarter of Southeast Quarter for 449.43 feet to a point on a curve to the left, said curve having a central angle of 45°02'15", a radius of 66.00 feet, and an arc length of 51.88 feet and a chord which bears S 83°30'10" E for 50.55 feet; thence proceed southeasterly along the arc of said curve for 51.88 feet to a point; thence S 01°59'30" E and parallel with the east line of said Southwest Quarter of the Southeast Quarter for 441.97 feet to the beginning of a curve to the right said curve having a central angle of 89°24'23", a radius of 225.00 feet and an arc length of 351.10 feet; thence proceed southwesterly along the arc of said curve for 351.10 feet to the end of said curve; thence S 87°24'23" W for 435.00 feet to a point; thence S 13°51'22" W for 526.55 feet to the POINT OF BEGINNING.

Containing 10.05 acres, more or less.

EXHIBIT 'E'

87-014-D

LOT-4D

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land, situated in the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of said Southwest Quarter of Southeast Quarter; thence proceed S 01°59'30" E along the east line of said Southwest Quarter of Southeast Quarter for 100.00 feet to the POINT OF BEGINNING; thence continue S 01°59'30" E along the east line of said Southwest Quarter of Southeast Quarter for 1232.50 feet to the southeast corner of said Southwest Quarter of Southeast Quarter; thence S 87°22'03" W along the south line of said Southwest Quarter of Southeast Quarter for 851.48 feet to a point; thence N 13°51'22" E for 526.55 feet to a point; thence N 87°24'53" E for 435.00 feet to the beginning of a curve to the left, said curve having a central angle of 89°24'23", a radius of 225.00 feet and an arc length of 351.10 feet; thence proceed northeasterly along the arc of said curve for 351.10 feet; thence N 01°59'30" W and parallel with the east line of said Southwest Quarter of Southeast Quarter for 441.97 feet to a point on a curve to the left, said curve having a central angle of 75°58'13", a radius of 66.00 feet, an arc length of 87.51 feet, and a chord which bears N 35°59'36" E for 81.24 feet; thence proceed northeasterly along the arc of said curve for 87.51 feet to the POINT OF BEGINNING.

Containing 10.05 acres, more or less.

EXHIBIT 'F'

87-014-E

Cul-De-Sac

STATE OF ALABAMA  
SHELBY COUNTY

A parcel of land situated in the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast Corner of said Southwest Quarter of Southeast Quarter being the POINT OF BEGINNING; thence S 01°59'30" E along the east line of said Southwest Quarter of Southeast Quarter for 100.00 feet to the beginning of a curve to the right, said curve having a central angle of 121°00'28", a radius of 66.00 feet and an arc length of 139.39 feet; thence proceed southwesterly along the arc of said curve for 139.39 feet to the end of said curve and the beginning of a curve to the right, said curve having a central angle of 108°21'13", a radius of 71.00 feet and an arc length of 134.27 feet; thence proceed northwesterly along the arc of said curve for 134.27 feet to the end of said curve; thence N 55°54'43" E along a line that is not tangent to the preceeding curve for 58.76 feet to a point; thence N 02°35'07" W for 10.00 feet to a point on the north line of said Southwest Quarter of Southeast Quarter; thence N 87°24'53" E for 60.00 feet to the POINT OF BEGINNING.

Containing 0.4 acres, more or less.

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

88 MAY 16 AM 8:58

*Thomas A. Snowdon, Jr.*  
JUDGE OF PROBATE

1. Deed Tax	\$ —
2. Mtg. Tax	—
3. Recording Fee	30.00
4. Indexing Fee	1.00
TOTAL	31.00