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THE STATE OF ALABAMA)
SHELBY COUNTY)

DECLARATION OF EASEMENT FOR
INGRESS AND EGRESS AND UTILITIES

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, James E. Kelly and wife, Ruth S. Kelly ("Declarants") are the owners of certain real property located and situated in the City of Pelham, Shelby County, Alabama, which said real property is designated as Parcel 1 and Parcel 2 and is described in Exhibit "A" which is attached hereto and expressly incorporated herein by reference; and

WHEREAS, Jefferson Federal Savings and Loan Association of Birmingham ("Jefferson Federal") is the holder and owner of a First Mortgage and Security Agreement on said Parcel 1, which said First Mortgage and Security Agreement is recorded in Real Volume 186, page 811, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Jefferson Federal is also the holder and owner of a Second Mortgage and Security Agreement on said Parcel 1, which said Second Mortgage and Security Agreement is recorded in Real Volume 206, page 335, in said Probate Office; and

WHEREAS, subsequent to the execution of this Declaration of Easement, Declarants intend to convey said Parcel 2 to J. Donald Gilbert; and

WHEREAS, it is the desire and intent of the Declarants and Jefferson Federal to grant, create and declare a mutual non-exclusive easement for ingress and egress and utilities over, on, under and across a roadway located on said Parcel 1, the legal description of said roadway being described in Exhibit "B" attached hereto and expressly incorporated herein by reference and herein sometimes referred to as the "Easement Parcel."

NOW, THEREFORE, in consideration of the premises and other valuable consideration, Declarants, as owners of said Parcel 1 and Parcel 2 and Jefferson Federal as the holder of said mortgages, for themselves, their legal representatives, successors and assigns do hereby declare, create and establish as follows:

1. Declarants and Jefferson Federal do hereby establish for the benefit of the respective owners of any portion or portions of said Parcel 1 and Parcel 2, a mutual, reciprocal and non-exclusive easement for ingress and egress for vehicular and pedestrian traffic over, on, under and across said Easement Parcel, and a non-exclusive easement for the construction, installation, placement, connection or tying to utilities of

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Ron Jackson

every type and kind, expressly including water lines, sewer lines, electrical or power lines and natural gas lines which may be placed in, on or under the surface of said Easement Parcel.

2. That the said mutual non-exclusive easement shall extend to tenants, customers, invitees, employees and prospective customers of such businesses and establishments and persons trading with, desiring to trade with, or having business with the tenants or occupants of said Parcel 1 and Parcel 2 or any part thereof, for the benefit of businesses or establishments now or hereafter conducted, operated or maintained on the said Parcel 1 and Parcel 2 or any any part thereof.

3. The mutual, reciprocal, non-exclusive easement shall be perpetual.

4. The owner of Parcel 2 shall maintain or cause to be maintained at its sole cost and expense the said Easement Parcel.

5. The easements, rights and privileges declared herein are for the private benefit of the owners of Parcel 1 and Parcel 2 and no rights or privileges shall accrue or inure to the public by virtue of this declaration of easement.

6. The easements, rights and privileges declared herein shall inure to the benefit of said Parcel 1 and Parcel 2 and shall also inure to the benefit of and be binding upon the owners of Parcel 1 and Parcel 2,, their heirs, legal representatives, successors and assigns, including without limitation, all subsequent owners and mortgagees of Parcel 1 and Parcel 2 and all persons claiming under them.

IN WITNESS WHEREOF, the parties hereto have caused this Declaration of Easement for Ingress and Egress and Utilities to be executed under seal on this 15th day of March, 1989.

James E. Kelly
JAMES E. KELLY

(SEAL)

Ruth S. Kelly
RUTH S. KELLY

(SEAL)

JEFFERSON FEDERAL SAVINGS AND
LOAN ASSOCIATION OF BIRMINGHAM

By:

Paul D. Hart
Its Executive Vice President

(SEAL)

THE STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that JAMES E. KELLY and wife, RUTH S. KELLY, whose names are signed to the foregoing Declaration of Easement for Ingress and Egress and Utilities, and who are known to me, acknowledged before me on this day that, being informed of the contents of said Declaration of Easement for Ingress and Egress and Utilities, they executed the same voluntarily on the day same bears date.

Given under my hand and official seal this the 15 day of March, 1989.

Michelle R. Whitley
NOTARY PUBLIC

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THE STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Graham D. Hulston whose name as Graham V.P. of JEFFERSON FEDERAL SAVINGS and LOAN ASSOCIATION OF BIRMINGHAM, a federally chartered savings and loan association, is signed to the foregoing Declaration of Easement for Ingress and Egress and Utilities, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Declaration of Easement for Ingress and Egress and Utilities, he, as such officer and with full authority, executed the same voluntarily for and as the act of said association.

Given under my hand and official seal, this, the 15 day of March, 1989.

William J. Hulston
NOTARY PUBLIC

My Commission Expires June 9, 1992

EXHIBIT "A"

PARCEL 1:

A parcel of land situated in the Southwest Quarter of the Northwest Quarter of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the Southwest corner of said quarter-quarter section; thence run East along the South line for a distance of 552.40 feet to a point on the East right of way line of U. S. Highway No. 31; thence run in a Northeasterly direction along the East right of way line of said U. S. Highway No. 31 for a distance of 1115.99 feet to an iron pin found at a point where the South boundary line of Tract E intersects the East right of way line of U. S. Highway No. 31, being the Southwest corner of Old Parcel 1, as recorded in Deed 21, page 28, in the Office of the Judge of Probate of Shelby County, Alabama, said point being the point of beginning; thence continue along last stated course for a distance of 335.49 feet to an iron pin found; thence turn an angle to the right of 63 degrees 21 minutes 26 seconds and run in an Easterly direction for a distance of 392.23 feet to an iron pin set; thence turn an angle to the right of 90 degrees 04 minutes 06 seconds and run in a Southerly direction for a distance of 299.96 feet to an iron pin set; thence turn an angle to the right of 89 degrees 56 minutes 28 seconds and run in a Westerly direction for a distance of 542.31 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL 2:

A tract of land in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, Township 20 South, Range 3 West, described as follows: Commence at the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run East along the South line for a distance of 552.40 feet to a point on the East right-of-way line of U. S. Highway No. 31; thence run in a Northeasterly direction along said right-of-way for a distance of 1451.48 feet to an iron pin found; thence turn an angle to the right of 63 degrees 21 minutes 26 seconds and run in an Easterly direction for a distance of 392.23 feet to an iron pin set at the point of beginning; thence continue along last stated course for a distance of 336.88 feet to an iron pin found at the Northwest corner of old Parcel 2, as recorded in Deed 21, page 28, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn an angle to right of 00 degrees 01 minutes 34 seconds and run in an Easterly direction for a distance of 289.92 feet to an iron pin found; thence turn an angle to the right of 80 degrees 00 minutes 46 seconds and run in a South-easterly direction for a distance of 263.25 feet to an iron pin found; thence turn an angle to the right of 21 degrees 11 minutes 32 seconds and run in a South-westerly direction for a distance of 40.96 feet to an iron pin found; thence turn an angle to the right of 78 degrees 41 minutes 44 seconds and run in a Westerly direction for a distance of 327.26 feet to an iron pin found at the Southwest corner of said old Parcel 2; thence turn an angle to the right of 00 degrees 04 minutes 58 seconds and run in a Westerly direction for a distance of 337.46 feet to an iron pin set; thence turn an angle to the right of 90 degrees 03 minutes 32 seconds and run in a Northerly direction for a distance of 299.96 feet to the point of beginning; being situated in Shelby County, Alabama.

EXHIBIT "B"

A right-of-way for ingress, egress and utilities, in the South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

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Begin at the Northeast corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13; thence run West along the North $\frac{1}{4}$ - $\frac{1}{4}$ line 92.44 feet; thence turn left 88 degrees 03 minutes 49 seconds and run South 5.68 feet; thence turn right 90 degrees 00 minutes 00 seconds to the tangent of a counterclockwise curve having a delta angle of 14 degrees 58 minutes 34 seconds and a radius of 328.32 feet and run westerly along the arc of said curve 85.82 feet; thence continue tangent to said curve 18.58 feet to the point of a clockwise curve having a delta angle of 39 degrees 40 minutes 57 seconds and a radius of 114.57 feet; thence run along the arc of said curve 79.35 feet to a point on the southeast right-of-way of U. S. Highway No. 31; thence turn left 90 degrees 00 minutes 00 seconds from tangent and run southwest along said highway right-of-way 24.00 feet; thence turn left 90 degrees 00 minutes 00 seconds to the tangent of a counterclockwise curve having a delta angle of 39 degrees 40 minutes 57 seconds and a radius of 138.57 feet and run easterly along the arc of said curve 95.97 feet; thence continue tangent to said curve 18.58 feet to the point of a clockwise curve having a delta angle of 14 degrees 58 minutes 34 seconds and a radius of 304.32 feet; thence run easterly along the arc of said curve 79.57 feet; thence continue easterly and tangent to said curve 217.11 feet; thence turn left 91 degrees 52 minutes 05 seconds and run north 37.00 feet to a point on the north line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13; thence turn left 90 degrees 04 minutes 06 seconds and run West along said $\frac{1}{4}$ - $\frac{1}{4}$ line 123.58 feet to the point of beginning. Containing 0.27 acres.

STATE OF ALA. SHELBY
I CERTIFY THIS
INSTRUMENT WAS FILED

89 MAR 17 AM 9:08

Thomas W. Lawrence, Jr.
JUDGE OF PROBATE

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1.00
14.00