

622

STATE OF ALABAMA)
SHELBY COUNTY)

In consideration of ten dollars (\$10.00) and other valuable considerations paid to Eddleman and Associates, an Alabama general partnership, (hereinafter called Grantor) by The Water Works and Sewer Board of the City of Birmingham, a public corporation organized under and by virtue of the laws of the State of Alabama, (hereinafter called Board), the receipt and sufficiency of which the Grantor hereby acknowledges, the Grantor does hereby grant, bargain, sell and convey unto the Board, its successors and assigns, a non-exclusive easement over, across, under and through the hereinafter described real estate for the purposes of, at such times and from time to time in the future as the Board may elect, laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing sanitary sewer pipelines and water pipelines and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, deemed by the Board to be necessary or useful in connection with the collection and treatment of sewage and the transportation, distribution and sale of water (hereinafter collectively called Pipelines), together with all rights and privileges necessary or convenient for the full enjoyment or use of the rights herein granted, including, but not limited to, the free right of ingress and egress over the hereinafter described real estate, together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and keep clear

BGOK 252 PAGE 210

K. B. Weygand
2233 Cahaba Valley Dr.
211

all trees, brush, undergrowth and other obstructions, whether located upon or near said easement, to the extent necessary to permit the full enjoyment of the rights and privileges herein granted, and the protection of the Pipelines, and together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and remove or otherwise disturb paving or other road covering to the extent necessary to permit the full enjoyment of the rights and privileges granted to the Board hereunder; said real estate being described as follows:

Parcel 1

the strips or parcels of land which are a part of the real estate described in Exhibit A attached hereto and which are more particularly described as lying ten feet on either side of the centerline of the sewer pipelines which are presently located in and under the streets in the proposed Brook Highland subdivision, which streets are shown on Exhibit B attached hereto (said Exhibit B consists of 1 page).

Parcel 2

the strips or parcels of land which are a part of the real estate described in Exhibit A attached hereto and which are designated or shown as easements on Exhibit B attached hereto, which strips or parcels of land shall be dedicated as easements when the subdivision maps of the proposed Brook Highland subdivision are recorded in the office of the Judge of Probate of Shelby County, Alabama.

The rights and privileges herein granted are given, granted, and accepted upon the following conditions and subject to the following stipulations:

1. The Grantor hereby covenants with the Board that the Grantor is lawfully seized in fee simple of the above

described real estate, that it is free from all encumbrances and that the Grantor has a good right to grant the easement and right of way granted hereby as aforesaid and that the Grantor will warrant against the claims of all persons, subject to current real estate ad valorem taxes which are not delinquent, and any other liens or encumbrances which are approved in writing by the Board.

2. The Grantor agrees not to construct, cause to be constructed, or permit to be constructed, on the above described real estate any lake or pond or any building or structure of any kind which would prevent ready access to, or interference with, the Pipelines for any of the purposes hereinabove set forth.

3. No delay of the Board in the use of the easement and rights hereby granted or in laying or installing Pipelines in or along said easement shall result in the loss, limitation or abandonment of any right, title, interest, right of way, easement or estate granted hereby.

4. This instrument states the entire agreement between the Grantor and the Board and merges in this instrument all statements, representations and covenants heretofore made and any agreements not included in this instrument are void and of no force and effect. This instrument may be modified only by a written instrument signed by the Grantor and the Board.

5. This instrument shall inure to the benefit of, and be binding upon, the Grantor and the Board and their respective successors and assigns.

252 PAGE 212

To have and to hold unto the Board, its successors and assigns forever.

In witness whereof, Eddleman and Associates has caused this instrument to be executed by its duly authorized general partners, on this 17 day of August, 1989.

Eddleman and Associates,
a general partnership
By The Meadows, Ltd., in
its capacity as general
partner of Eddleman and
Associates
By Eddleman Realty, Inc.
in its capacity as general
partner of The Meadows, Ltd.

ATTEST:

[Signature]

Its Vice-President & Secretary

By [Signature]

Its President

By Jefferson Land Services, Inc.
in its capacity as general
partner of Eddleman and
Associates

ATTEST:

[Signature]

Its Asst. Secretary

By [Signature]

Its President

252 PAGE 213

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said County in said State, hereby certify that Billy D. EDDLEMAN, whose name as President of Eddleman Realty, Inc., a corporation, acting in its capacity as general partner of The Meadows, Ltd., an Alabama limited partnership, acting in its capacity as general partner of Eddleman & Associates, 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 said instrument, he, as such officer of Eddleman Realty, Inc., acting in its capacity as the general partner of The Meadows, Ltd., which is acting in its capacity as general partner of Eddleman & Associates, an Alabama general partnership, and with full authority, executed the same voluntarily for and as the act of Eddleman Realty, Inc., acting in its capacity as the general partner of The Meadows, Ltd., which is acting in its capacity as general partner of Eddleman & Associates, an Alabama general partnership.

Given under my hand and official seal of office this 17th day of August, 1989.


Notary Public

My Commission Expires January 18, 1993
My Commission Expires: _____

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that R.S. WEATHERLY, Jr., whose name as President of Jefferson Land Services, Inc., a corporation, acting in its capacity as the general partner of Eddleman & Associates, 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 said instrument, he, as such officer of Jefferson Land Services, Inc., acting in its capacity as general partner of Eddleman & Associates, an Alabama general partnership, and with full authority, executed the same voluntarily for and as the act of Jefferson Land Services, Inc., acting in its capacity as general partner of Eddleman & Associates, an Alabama general partnership.

BOOK 252 PAGE 214

Given under my hand and official seal of office this 17th day
of August, 1989.


Notary Public

My Commission Expires: January 18, 1993

This instrument was prepared by:

Jack P. Stephenson, Jr.
Burr & Forman
3000 SouthTrust Tower
Birmingham, Alabama 35203

252 PAGE 215

EXHIBIT A

A parcel of land in Sections 29, 30 and 31, Township 18 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

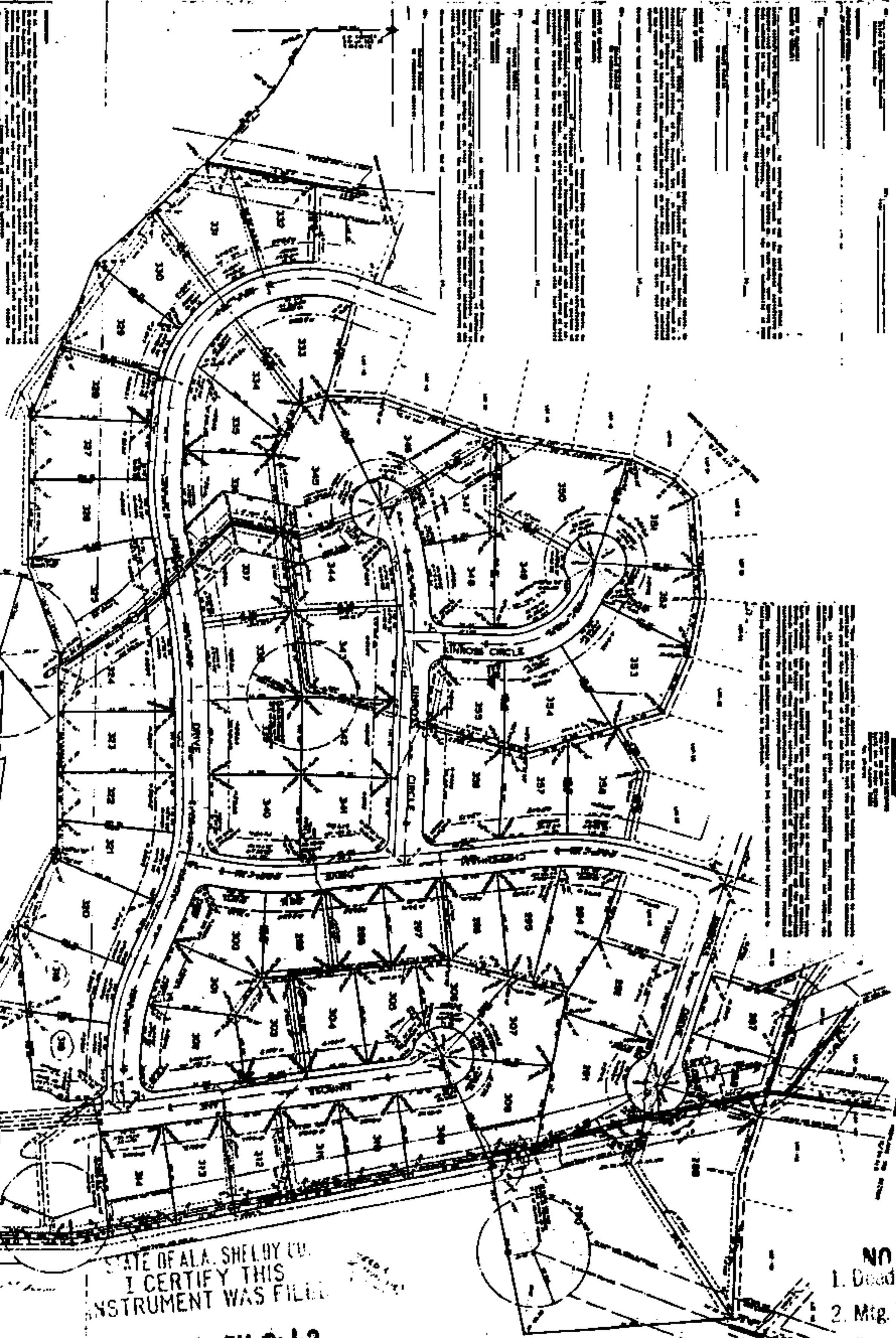
From the NE corner of said Section 31 run North $45^{\circ} 09' 34''$ West for a distance of 28.13 feet to the point of beginning; thence turn an angle to the left of $134^{\circ} 41' 36''$ and run South 20.00 feet from and parallel to the East Boundary of said Section 31 for a distance of 483.74 feet to the Northeast right of way line of Brook Highland Drive; thence turn an angle to the right of $120^{\circ} 40' 14''$ and run in a Northwesterly direction along said right of way line for a distance of 883.36 feet to the beginning of a curve to the left, said curve having a central angle of $8^{\circ} 16' 54''$ and a radius of 622.96 feet; thence continue along said right of way line along said curve for a distance of 90.04 feet to the beginning of a curve to the right, said curve having a central angle of $85^{\circ} 07' 51''$ and a radius of 25.00 feet; thence continue along said right of way line and said curve for a distance of 37.15 feet to the end of said curve and the Southeastern right of way line of Nottingham Drive; thence run in a Northeasterly direction along said right of way line tangent to last curve for a distance of 363.94 feet to the beginning of a curve to the left, said curve having a central angle of $61^{\circ} 14' 45''$ and a radius of 425.14 feet; thence continue along said right of way line along said curve for a distance of 454.45 feet to the end of said curve; thence run in a Northwesterly direction along said right of way line for a distance of 445.22 feet to the beginning of a curve to the right, said curve having a central angle of $33^{\circ} 34' 40''$ and a radius of 447.47 feet; thence continue along said right of way line along said curve for a distance of 262.23 feet to the end of said curve; thence run in a Northwesterly direction along said right of way line for a distance of 286.46 feet to the beginning of a curve to the left, said curve having a central angle of $23^{\circ} 16' 56''$ and a radius of 507.47 feet; thence continue along said right of way line along said curve for a distance of 206.21 feet to the end of said curve; thence run in a Northwesterly direction along said right of way line tangent to last curve for a distance of 237.07 feet to the beginning of a curve to the right, said curve having a central angle of $82^{\circ} 36'$ and a radius of 351.97 feet; thence continue along said right of way line along said curve for a distance of 507.42 feet to the end of said curve; thence run in a Northeasterly direction along said right of way line tangent to last curve for a distance of 607.14 feet to the beginning of a curve to the left, said curve having a central angle of $23^{\circ} 05' 48''$ and a radius of 1462.40 feet; thence continue along said right of way line along said curve for a distance of 589.51 feet to the end of said curve; thence run in a Northeasterly direction along said right of way line tangent to last curve for a distance of 281.47 feet to the beginning of a curve to the right, said curve having a central angle of $22^{\circ} 47' 40''$ and a radius of 788.51 feet; thence continue along said right of way line along said curve for a distance of 313.70 feet to the end of said curve; thence run in a Northeasterly direction along said right of way line tangent to last curve for a distance of 333.22 feet to the beginning of a curve to the right, said curve having a central angle of $86^{\circ} 04' 44''$ and a radius of 709.30 feet; thence continue along said right of way line along said curve for a distance of 1065.63 feet to the end of said curve; thence run in a Southeasterly direction along said right of way line tangent to last curve for a distance of 522.78 feet to the beginning of a curve to the right, said

EXHIBIT A

curve having a central angle of $33^{\circ} 38' 54''$ and a radius of 1243.24 feet; thence continue along said right of way line along said curve for a distance of 730.12 feet to the end of said curve; thence run in a Southeasterly direction along said right of way line tangent to last curve for a distance of 26.84 feet; thence turn an angle to the right of $48^{\circ} 11' 12''$ and run in a Southwesterly direction for a distance of 793.75 feet; thence turn an angle to the left of $38^{\circ} 58' 57''$ and run in a Southeasterly direction for a distance of 545.47 feet; thence turn an angle to the right of $28^{\circ} 30' 06''$ and run in a Southwesterly direction for a distance of 349.86 feet; thence turn an angle to the left of $25^{\circ} 54' 52''$ and run in a Southwesterly direction for a distance of 354.16 feet; thence turn an angle to the left of $19^{\circ} 36' 18''$ and run in a Southeasterly direction for a distance of 170.02 feet; thence turn an angle to the right of $19^{\circ} 42' 11''$ and run in a Southwesterly direction for a distance of 274.24 feet; thence turn an angle to the right of $21^{\circ} 39' 21''$ and run in a Southwesterly direction for a distance of 301.78 feet; thence turn an angle to the right of $25^{\circ} 19' 52''$ and run in a Southwesterly direction for a distance of 264.61 feet; thence turn an angle to the left of $4^{\circ} 50' 23''$ and continue in a Southwesterly direction for a distance of 185.70 feet; thence turn an angle to the left of $11^{\circ} 49' 42''$ and continue in a Southwesterly direction for a distance of 143.26 feet to a point 20.00 feet North of the South Boundary of said Section 29; thence turn an angle to the right of $58^{\circ} 35' 02''$ and run West along a line parallel to said South Boundary for a distance of 537.00 feet to the point of beginning.

EXHIBIT B

BOOK 252 PAGE 218



A SUBDIVISION FOR SALE & RENT RESOURCES
BROOK HIGHLAND
AN EDELMAN COMMUNITY
7TH SECTOR
SITUATED IN THE WEST 1/2 OF SECTION 28A
TOWNSHIP 18 NORTH, RANGE 1 WEST, SHELBY COUNTY
ALABAMA

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

89 AUG 21 PM 3:42

Thomas G. Sherrill, Jr.
JUDGE OF PROBATE

NO TAX COLLECTED
1. Dead Tax \$ 1.00
2. Mtg. Tax
3. Recording Fee 22.50
4. Indexing Fee 3.00
TOTAL 27.50