

STATE OF ALABAMA)
SHELBY COUNTY)

COVENANT

This covenant amends and supersedes that certain covenant executed by the grantors and recorded in the Office of Judge of Probate of Jefferson County at Vol. 3650, page 058.

In consideration of the sum of One Dollar (\$1.00) in hand paid to Alex W. Jones, Jr. and Marjorie M. Jones, husband and wife (hereinafter "Grantors"), and of the giving of a license granting rights to certain non-exclusive use of nearby property (the "License Area") which is owned by the Water Works and Sewer Board of the City of Birmingham ("Water Works Board"), the receipt of which is hereby acknowledged, the Grantors hereby covenant to the Water Works Board that they presently own certain property located in Shelby County, Alabama, which property is more particularly described as follows (the "Property"):

A parcel of land situated in the northeast quarter of the northeast quarter of Section 25, Township 18 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows: Beginning at the northwest corner of said northeast quarter of the northeast quarter; run thence in an easterly direction along the north line of said quarter-quarter section for a distance of 82.00 feet more or less to the centerline of the Little Cahaba River; said point being the point of beginning of the parcel herein described; from the point of beginning thus obtained, continue in an easterly direction along the same course as before and along the north line of said quarter-quarter section for a distance of 376.21 feet; thence turn an angle to the right of 88°-14'-59" and run in a southerly direction for a distance of 250.34 feet; thence turn an angle to the left of 88°-14'-59" and run in an easterly direction for a distance of 400.00 feet; thence turn an angle to the right 88°-14'-59" and run in a southerly direction for a distance of 65.00 feet, thence turn an angle to the right of 91°-45'-01" and run in a westerly direction for a distance of 792.00 feet more or less to the centerline of the Little Cahaba River; thence run in a northerly direction along the centerline of said Little Cahaba River for a distance of 315.00 feet more or less to the point of beginning. Said parcel contains 3.37 acres more or less.

BOOK 279 PAGE 578

Calvin Johnston

2.

Mineral and mining rights excepted, including mineral and mining rights and rights incident thereto recorded in Volume 3853, Page 466, in the Probate Office of Shelby County, Alabama.

Subject to rights-of-way of record.

Grantors further covenant that they will not develop the Property beyond the uses permitted under the zoning for the Property at the present time or as it may be subsequently zoned by the public body having jurisdiction over zoning for the Property, and further covenant that they will not attempt to have the Property rezoned or to subdivide the Property without the prior approval of the Water Works Board, which approval shall not be unreasonably withheld; and further provided that the Property shall be used only for or contain only one single-family residence.

This Covenant shall run with the land and shall inure to the benefit of the Water Works Board, its successors and assigns, and shall be enforceable, by equitable and legal remedies, by the Water Board, its successors and assigns. This Covenant shall be effective until the License Area is no longer permanently used by the Water Works Board as a watershed.

BOOK 279 PAGE 579


Alex W. Jones, Jr.


Marjorie M. Jones

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Alex W. Jones, Jr. and Marjorie M. Jones, husband and wife, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being

3.

informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 2nd day of February, 1990.

Sharon A. Harris
Notary Public

[AFFIX SEAL]

My commission expires: 04/01/91

Accepted and Approved:

The Water Works and Sewer Board of the City of Birmingham accepts and consents to the foregoing Covenant and acknowledges that this Covenant amends and supersedes that certain covenant executed by the Grantors and recorded in the Office of the Judge of Probate of Jefferson County at Vol. 3650, page 058.

The Water Works and Sewer Board
of the City of Birmingham

by W. J. Vann
Its Chairman

BOOK Attest:

Wylie D. James
Secretary

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David J. Vann, and Wylie James, whose names as Chairman and as Secretary of the Board of the Water Works and Sewer Board of The City of Birmingham, a public corporation, are signed to the

279 PAGE 580

4.

foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they as such officers and with full authority, executed the same voluntarily for and as the act of said public corporation.

Given under my hand and seal this 8th day of February, 1990.

Helen Currie Foster
Notary Public

My Commission Expires January 27, 1991

This instrument prepared by:

Helen Currie Foster
CABANISS, JOHNSTON, GARDNER,
DUMAS & O'NEAL
1900 AmSouth-Sonat Tower
P. O. Box 830612
Birmingham, Alabama 35283-0612
(205) 252-8800

BOOK 279 PAGE 581

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

90 FEB 20 PM 1:25

William C. Johnston, Jr.
JUDGE OF PROBATE

1. Deed Tax	\$
2. Mtg. Tax	\$
3. Recording Fee	\$ 10.00
4. Indexing Fee	\$ 3.00
5. No Tax Fee	\$
6. Certified Fee	\$ 1.00
Total	\$ 14.00

RECORDED
INDEXED
FEB 20 1990
SHELBY COUNTY
ALABAMA