

68090

STATE OF ALABAMA)
SHELBY COUNTY)

470

DECLARATION OF EASEMENT

This Declaration of Easement (this "Declaration") is hereby made and entered into by the undersigned Shop-A-Snak Food Mart, Inc., an Alabama corporation ("Declarant") on this the 27th day of August, 1991.

WITNESSETH:

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Declarant is the owner of that certain parcel of real property located at the intersection of Shelby County Road 29 (Caldwell Mill Road) and Shelby County Road 17 (Valleydale Road) in Shelby County, Alabama, which is more particularly described on the attached Exhibit A and hereinafter referred to as the "Property". Declarant is also the owner of that certain parcel which is adjacent to the Property on Caldwell Mill Road and which is more particularly described on the attached Exhibit B and hereinafter referred to as the "Easement Parcel". The purpose of this Declaration is to create an easement across the Easement Parcel for the purpose of the construction and maintenance of surface water detention facilities to serve the Property.

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged by Declarant, Declarant does hereby grant, create and declare as follows:

Caldwell Mill

1. An easement is hereby created over, under and across the Easement Parcel for the purpose of the construction, installation, maintenance, replacement, repair and operation of surface water detention facilities including, but not limited to, earth berms, detention ponds, drainage pipes and other such facilities and improvements for the benefit of and to serve the Property. Said easement is further hereby created for the purpose of permitting the flow of surface water drainage which either is originated upon the Property or which flows onto the Property from other sources to be channeled and otherwise directed onto the Easement Parcel and collected on the Easement Parcel and directed into the surface water drainage facilities constructed thereupon. The present and future owners of the Property shall have the right to construct such drainage facilities upon the Easement Parcel as shall be necessary and appropriate to the collection and disbursement of said surface waters together with the rights to operate, maintain, replace and repair same.

2. The expense for the construction, operation, maintenance and repair of the surface water drainage facilities to be located within the Easement Parcel shall be paid by such persons, corporations, partnerships or other entities who are the record owners of title to the Property at the time such expenses are incurred.

3. The easement herein created may be relocated to another parcel of land by and at the expense of the owner of the Easement Parcel provided that the exact location of the new easement area and the plans and specifications for the surface water drainage facilities to be constructed therein are sufficient to adequately handle said


surface water drainage and are first approved in writing by the then owner of the Property.

4. The provisions of this Declaration and easements and rights herein created shall run with the lands affected hereby and shall be binding upon and inure to the benefit of present and future owners of the Easement Parcel and the Property.

5. The provisions of this Declaration may be amended only by an instrument in writing which is executed by the owners of record title to both the Easement Parcel and the Property.

EXECUTED by Declarant under seal effective the same date as first above written.

SHOP-A-SNAK FOOD MART, INC.

By: 
E. J. Marino, Jr.
Its: Vice President

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STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that E. J. Marino, Jr., whose name as Vice President of Shop-A-Snak Food Mart, Inc., a corporation, 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 and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 27th day of August, 1991.


Notary Public

[NOTARIAL SEAL]

My commission expires: August 1995

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EXHIBIT A

A parcel of land located in the northwest quarter of Section 15, Township 19 South, Range 2 West, more particularly described as follows: Commence at the southwest corner of the north half of the southeast quarter of the northwest quarter of said Section 15; thence in a northerly direction along the westerly line of said quarter-quarter section a distance of 476.55 feet to the point of beginning; thence continue along last described course a distance of 92.76 feet to the intersection with the southeasterly right-of-way line of Valleydale Road (County Road #17); thence 49 degrees 54 minutes right in a northeasterly direction along said right-of-way line a distance of 149.63 feet; thence 47 degrees 18 minutes 15 seconds right in a southeasterly direction a distance of 97.37 feet to the intersection with the southwesterly right-of-way line of Caldwell Mill Road (County Road #29); thence 46 degrees 10 minutes 55 seconds right in a southeasterly direction along said right-of-way line a distance of 155.00 feet; thence 90 degrees right in a southwesterly direction a distance of 130.22 feet; thence 43 degrees 49 minutes 04 seconds right in a northwesterly direction a distance of 200.56 feet to the point of beginning.

EXHIBIT B

A parcel of land located in the North Half of the SE 1/4 of the NW 1/4 of Section 15, Township 19 South, Range 2 West, more particularly described as follows: Commence at the SW corner of said North Half; thence in a northerly direction along the westerly line of said 1/4-1/4 section, a distance of 476.55 feet; thence 97 degrees, 12 minutes, 14 seconds right, in a southeasterly direction, a distance of 200.56 feet to the Point of Beginning; thence 43 degrees, 49 minutes, 04 seconds left, in a northeasterly direction, a distance of 130.22 feet to the intersection with the southwesterly R.O.W line of Caldwell Mill Road (County Road #29); thence 90 degrees right, in a southeasterly direction along said R.O.W. line, a distance of 120.0 feet; thence 90 degrees right, in a southwesterly direction, a distance of 130.22 feet; thence 90 degrees right, in a northwesterly direction, a distance of 120.0 feet to the Point of Beginning.

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I HEREBY CERTIFY THAT
THIS INSTRUMENT WAS FILED

91 AUG 28 AM 9:26

JUDGE OF PROBATE

tax 50
Res 1500
Incl 300
Cert 100
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