

STATE OF ALABAMA )  
COUNTY OF SHELBY )

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned James D. Garner (hereafter called "Grantor") for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by The Harbert-Equitable Joint Venture, an Alabama general partnership (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby grant to grantee, its successors and assigns, a twenty foot (20') wide utility easement described as follows:

Description of a 20 foot sanitary sewer easement and a 45 foot wide temporary construction easement and the center line of which being described as follows: Part of Lot 3, Chase Park Estates as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Map Book 11, Page 39 being more particularly described as follows: From the Southwest corner of said Lot 3 run in a easterly direction along the South line of said Lot 3 for a distance of 213.91 feet to the point of beginning; thence turn an angle to the left of 63 degrees, 17 minutes, 24 seconds and run in a Northeasterly direction for a distance of 167.91 feet; more or less to a point on the North line of said Lot 3, being the point of ending.

For the consideration aforesaid, the Grantor hereby grants unto said Grantee the right and privilege of perpetual use of said easement for such utility purposes as public utilities, private television cable systems, sanitary sewers, storm sewers, and general access, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said easement, the right for the City of Hoover to maintain, cut and keep clear all trees, undergrowth and other obstructions on said easement when deemed reasonably necessary for the avoidance of danger, damage or interference with said utility use of said strip, and the right to prohibit the clearing of such area and the construction or maintenance of any improvement or obstruction on, over, across or upon said easement area herein conveyed.

TO HAVE AND TO HOLD unto the said The Harbert-Equitable Joint Venture, its successors and assigns, forever.

IN WITNESS WHEREOF, the said James D. Garner has caused this instrument to be executed effective this the 16 day of September 1990.

1. Deed Tax	\$1.00
2. Mtg. Tax	\$0.00
3. Recording Fee	\$12.50
4. Indexing Fee	\$3.00
5. No Tax Fee	\$0.00
6. Certified Fee	\$1.00
Total	\$17.50

WITNESS

STATE OF ALABAMA  
COUNTY OF SHELBY

I, Jada R. Wilkey, a Notary Public in and for said County in said State, hereby certify that James D. Garner, 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, with full authority, executed the same voluntarily.

Given under my hand and official seal of office this 16<sup>th</sup> day of September, 1990.

Jada R. Wilkey  
Notary Public

My Commission expires: 12-14-92

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*Cahaba Title*