

STATE OF ALABAMA)

SHELBY COUNTY)

Inst # 1995-09129

ACCESS EASEMENT

04/10/1995-09129

KNOW ALL MEN BY THESE PRESENTS, that:

09:01 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
D05 SNA 19.50

WHEREAS:

(a) By Warranty Deed executed simultaneously herewith, **119 PROPERTIES, LTD.** (hereinafter referred to as "Grantor"), has transferred and conveyed to **ALABAMA GAS CORPORATION**, an Alabama corporation (hereinafter referred to as "Grantee"), that certain real estate situated in Shelby County, Alabama, described in **Exhibit "A"** and incorporated herein by reference.

(b) In connection with said conveyance by Grantor to Grantee, Grantor desires to grant to Grantee, a permanent, non-exclusive easement for access purposes over, under and across that certain real estate described in **Exhibit "B"**, which shall serve the real estate described in **Exhibit "A"** and other adjacent or nearby parcels of real estate owned by Grantor.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration from the parties, one to the other, the parties agree as follows:

1. **RESERVATION OF ACCESS EASEMENT:** Grantor hereby grants to Grantee, its successors and assigns, a permanent, non-exclusive easement (hereinafter referred to as "Access Easement") sixty feet (60') in width more particularly described in **Exhibit "B"** attached hereto and incorporated by herein by reference for ingress and egress to and from the real estate more particularly described in **Exhibit "A"**.

2. **USE OF EASEMENT:** In connection with the grant of the Access Easement, the Grantor does hereby grant unto Grantee the non-exclusive right and privilege of a perpetual use of the Access Easement for the following purposes:

- (i) right of way for pedestrian and vehicular ingress and egress; and
- (ii) public utility lines (including sanitary sewer lines);

together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress and egress from the Access Easement to and from the real estate described in **Exhibit "A"** and the right to cut and keep clear all trees, undergrowth and obstructions from the Access Easement.

3. **EASEMENT APPURTENANT:** The Access Easement hereby granted to Grantee is appurtenant to and shall serve the real estate described in **Exhibit "A"**.

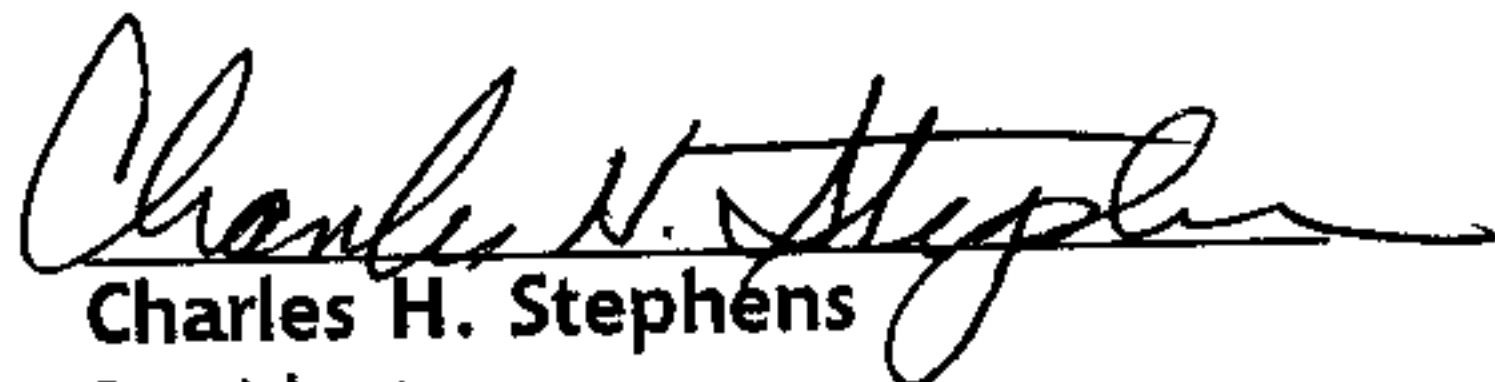
4. **COVENANT RUNNING WITH LAND:** The easement granted hereby shall be and is a covenant running with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns forever.

5. **TERMINATION:** Grantor intends to improve the Access Easement as a roadway and, when completed as such roadway, to dedicate the same to the public. Upon the dedication of the Access Easement to the public for road right-of-way purposes, this Access Easement shall automatically terminate without any action by Grantor or Grantee.

IN WITNESS WHEREOF, the said Grantor has executed this instrument by and through its general partner, who is authorized to execute this instrument, has hereunto set its signature and seal on the 7th day of April, 1995.

119 PROPERTIES, LTD.
an Alabama limited partnership

By: **CAHABA VALLEY PROPERTIES, INC.**
General Partner

By: 
Charles H. Stephens
President

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charles H. Stephens, whose name as President of Cahaba Valley Properties, Inc., General Partner of 119 PROPERTIES, LTD., an Alabama limited 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 the instrument, he, as president of Cahaba Valley Properties, Inc., in its capacity as General Partner and with full authority executed the same voluntarily for and as the act of said general partnership on the day the same bears date.

Given under my hand this the 7th day of April, 1995.



Notary Public

My Commission Expires: 4-19-96

EXHIBIT "A"

Part of Block 3 of Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Begin at the Northeast corner of the NW 1/4 of the NE 1/4 of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said 1/4-1/4 Section corner being 1,331.96 feet West of the Northeast corner of Section 31, Township 19 South, Range 2 West, said point also being the Northeast corner of said Block 3 of Cahaba Valley Park North; thence run West along the North line of said NW 1/4 of the NE 1/4 of said Section 31 and along the North line of said Block 3 for 588.83 feet to a point on the East right of way line of a proposed 60 foot wide road, said point being 60.08 feet East of the Northwest corner of said Block 3; thence $92^{\circ}39'22''$ left and run Southerly along the East right of way line of said proposed 60 foot wide road and parallel to the West line of said Block 3 for 427.54 feet to a point on the North right of way line of a 50 foot wide Alabama Power Company right of way, said point being 30.81 feet East (along said Alabama Power Company right of way line) of the centerline of said proposed 60 foot wide road; thence $103^{\circ}10'59''$ left and run Northeasterly along the North line of said Alabama Power Company right of way for 183.31 feet; thence $00^{\circ}55'04''$ right and continue along said right of way line for 415.90 feet to a point on the East line of said Block 3, Cahaba Valley Park North; thence $77^{\circ}01'27''$ left and run Northerly along the East line of said Block 3 for 270.11 feet to the point of beginning.

EXHIBIT B -

PART OF BLOCK 8 OF CAHABA VALLEY PARK NORTH AS RECORDED IN MAP BOOK 18, PAGE 140, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, SAID 1/4 1/4 SECTION CORNER BEING 1,331.96 FEET WEST OF THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK 3 OF CAHABA VALLEY PARK NORTH; THENCE RUN WEST ALONG THE NORTH LINE OF SAID N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 31 AND ALONG THE NORTH LINE OF SAID BLOCK 3 FOR 588.83 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF A PROPOSED 60 FOOT WIDE ROAD, SAID POINT BEING 60.08 FEET EAST OF THE NORTHWEST CORNER OF SAID BLOCK 3; THENCE 92°-39'-22" LEFT AND RUN SOUTHERLY ALONG THE EAST RIGHT OF WAY LINE OF SAID PROPOSED 60 FOOT WIDE ROAD AND PARALLEL TO THE WEST LINE OF SAID BLOCK 3 FOR 443.06 FEET TO THE END OF PRESENT DEDICATION OF CAHABA VALLEY PARKWAY NORTH; THENCE 90°-00'-00" RIGHT AND RUN WEST ALONG THE END OF SAID PRESENT DEDICATION OF CAHABA VALLEY PARKWAY NORTH FOR 60.00 FEET; THENCE 90°-00'-00" RIGHT AND RUN NORTH FOR 445.06 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 3; THENCE 92°-39'-22" RIGHT AND RUN EASTERLY FOR 60.08 FEET TO THE POINT OF BEGINNING.

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