



STATE OF ALABAMA  
DEPARTMENT OF PUBLIC HEALTH  
DONALD E. WILLIAMSON, M.D. • STATE HEALTH OFFICER

SHELBY COUNTY HEALTH DEPARTMENT  
ENVIRONMENTAL DIVISION

4/1/96

March 25, 1996

1738 Morgan Park Dr.

Pelham AL

35124

Engineer/Surveyor

ATTN: Bill Banks

RE: Written assurance from the owner of an alternative design onsite sewage system

Brookshire II  
Lot 12

To Whom it May Concern:

Pursuant to Alabama's Onsite Sewage Disposal Rules Chapter 420-3-1-.31(2)(d) & (e) the owner of a dwelling to be constructed which utilizes and alternatively designed onsite sewage system must provide written assurance to the local health that the alternative system will be installed, and the completed installation will be certified by an engineer and that adequate maintenance will be provided for any alternative system installed at this location. Additionally, Alabama's Onsite Rules Chapter 420-3-1-.31(6)(a) require a "Covenant Running With The Land or the equivalent as determined by the local health department is signed and recorded in the office of the Probate Judge prior to system installation or use. A copy of a "Covenant Running with the Land" is attached for your use. The Shelby County Health Department must be provided a copy of the recorded "Covenant Running with the Land".

If I can be of further assistance call me at 733-0878.

Sincerely,

*Bill Banks*

W. F. Banks  
Environmental  
Shelby County Health Department

Inst # 1996-11632

04/10/1996-11632  
08:57 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
16.00

1738 Morgan Park Drive, Pelham, Alabama 35124-1059  
205/733-0878

Inst # 1996-11632

CAHABA Title

CAHABA Title

STATE OF ALABAMA

COUNTY OF SHELBY )

COVENANTS TO RUN WITH LAND

WHEREAS, Mr. & Mrs. Richard N Akins are the owners of certain real property situated in Pelham, Alabama; described on Exhibit "A" hereto and incorporated herein fully, and

WHEREAS, upon said property the owners, Mr. & Mrs. Richard N. Akins desire to construct a single family residence; and

WHEREAS, said residence shall become, subsequent to this construction, the property of various persons and entities; and

WHEREAS, the SHELBY County Board of Health has approved the construction and use of the single family residence by the owner, and their successors in title; and

WHEREAS, the approval by the SHELBY County Board of Health for the alternative sewage disposal system for the single family residence is granted upon the covenant by the owners and their successors in title that it or they will satisfy all requirements of the SHELBY County Health Department and be responsible to correct, repair and replace any parts; equipment, apparatus, field lines, pumps, motors and other equipment necessary to properly assure the proper functioning of the alternative sewage disposal system.

NOW, THEREFORE, in consideration of the premises, the owners, Mr. & Mrs. Richard N. Akins, hereby grants and convey as encumbrances on land described as Exhibit "A" the following restrictions and covenants to run with the land as hereinafter described:

1. That the undersigned owners, Mr. & Mrs. Richard N. Akins its successors, assigns and subsequent purchasers of a single family residence in Brookshire II, Lot 12 subdivision shall own the said residence subject to the continuing condition that the right to use the said residence and right to continue to occupy the said residence will be subject to the proper functioning of the alternative sewage disposal system which is being approved by the SHELBY County Board of Health through

CAHABA file

STATE OF ALABAMA )  
COUNTY OF Shelby )

I, the undersigned Notary Public in and for said County, in said state, hereby certify that William T. [Signature],  
(Local Health Officer's Name)  
whose name is signed to the foregoing instrument, and who is known to me, acknowledges before me this day, that being informed of the contents thereof, has executed the same voluntarily on the day of the same bears date.

Given under my hand and official seal, this 8th day of April, 1996

Supenne A. Russell  
Notary Public

My Commission Expires 3-2-2000

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned Notary Public in and for said County, in said state, hereby certify that Mr. & Mrs. Richard N. Akins whose name  
(Owner's Name)  
is signed to the foregoing instrument, and who is known to me, acknowledges before me this day, that being informed of the contents thereof, has executed the same voluntarily on the day of the same bears date.

Given under my hand and official seal, this 4th day of APRIL, 1996:

Ma J. [Signature]  
Notary Public

My Commission Expires 2-22-1998

EXHIBIT "A"

All property in the survey of BROOKSHIRE 2nd SECTOR,  
a map of which is recorded in Map Book 16, Page 65, in the  
Probate Office of SHELBY County, Alabama.

its Health Officer. In the event it is determined by the Health Officer that the alternative sewage disposal system is no longer functioning properly and that the continued occupancy of their residence is detrimental to their health or the health of other occupants or residences in the general area, then the owner or occupant agrees upon written notice from the said Health Officer to vacate said residence as directed in said notice.

2. The owners and his successors in title will install and maintain for the disposal of sewage an alternative sewage disposal system approved under the provisions of Chapter 420-3-1-.11, Alabama Administrative Code.

3. The owners and their successors in title shall install and maintain low water use type flush toilets, shower heads and other water saving fixtures, where applicable, whether new or replacement fixtures as determined to be acceptable by the SHELBY County Health Officer.

4. That the whole of the land in Exhibit "A" shall not be subdivided until a public or private sanitary sewer system is available.

5. No repair, alteration or addition shall be made to the approved alternative sewage disposal system without the written approval of the SHELBY County Health Officer.

6. That these covenants shall run with the land and be binding on all present owners and future owners or occupants of said residence and the lot on which it is situated until such time as the alternative sewage disposal system is no longer required by the SHELBY County Board of Health through its Health Officer, the same being the occasion when the residence is connected to a public or private sanitary sewer system.

Dated this the 4th day of APRIL 1996.

Richard A. Akers  
(Owner's Signature)

William J. Baker  
(Local Health Officer's Signature)

04/10/1996-11632  
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