

STATE OF ALABAMA )

SHELBY COUNTY )

**DEDICATION OF PERPETUAL EASEMENT FOR PUBLIC ROAD**

For and in consideration of the Sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP and FRANK C. ELLIS, JR. (collectively "IRI"), ADDIE SMITH, MARY CLINE MARTIN, JEAN CLINE PRYOR, ROLLIN L. JOHNSON, JR. and JAMES THOMAS JOHNSON (herein the "Johnson Heirs"), JENKINS DEVELOPMENT COMPANY, LLC, AN ALABAMA LIMITED LIABILITY COMPANY ("Jenkins"), UNION STATE BANK BIRMINGHAM, ALABAMA ("Union State") and COLONIAL BANK - MONTGOMERY, ALABAMA ("Colonial") (collectively herein, IRI, the Johnson Heirs, Jenkins, Union State and Colonial are referred to as the "Dedicators") by the CITY OF PELHAM, ALABAMA, A MUNICIPAL CORPORATION (hereinafter referred to as "Dedicatee"), the undersigned Dedicators have and do hereby dedicate and grant, bargain, sell and convey to the Dedicatee, a perpetual easement, running with the land, over and across the hereinafter described property, dedicated to public use as a road right-of-way.

Said property dedicated as a public road easement by this document is more particularly described on Exhibits "A", "B" and "C" and is visually depicted as the cross-hatched area as shown on Exhibit "D", all attached hereto and made part and parcel hereof as fully as if set out herein.

Title to the property described by this easement is expressly and specifically reserved in and to Dedicators, as their interests appear, which such interests are subordinate and subject to the public easement hereby given to Dedicatee for public highway purposes. In the event any portion of the property dedicated by this instrument shall not be used and maintained for any of the stated public purposes, or if any portion of such property shall cease to be used and maintained for such purposes, or if any portion of said property shall be used for other purposes inconsistent with such purposes, then all the right, title and interest in and to the described property and the improvements on such property shall revert to and reinvest in Dedicators, or Dedicators' heirs, successors and assigns, as their interests appear.

It is expressly understood and agreed by and between the parties to this instrument that a paved public street will be opened and maintained by Dedicatee for public use over and along said property.

To have and to hold unto the said Dedicatee, its successors and assigns, forever.

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Inst # 1996-22947

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07/17/1996-22947

09:26 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

011 MCD

33.50

*James Burford*

Inst # 1996-22947


The property conveyed herein is not the homestead of any of the Grantors or their spouses. John McGeever, John G. Benner and William R. Robertson are all of the Partners of Interstate Restaurant Investors, an Alabama General Partnership.

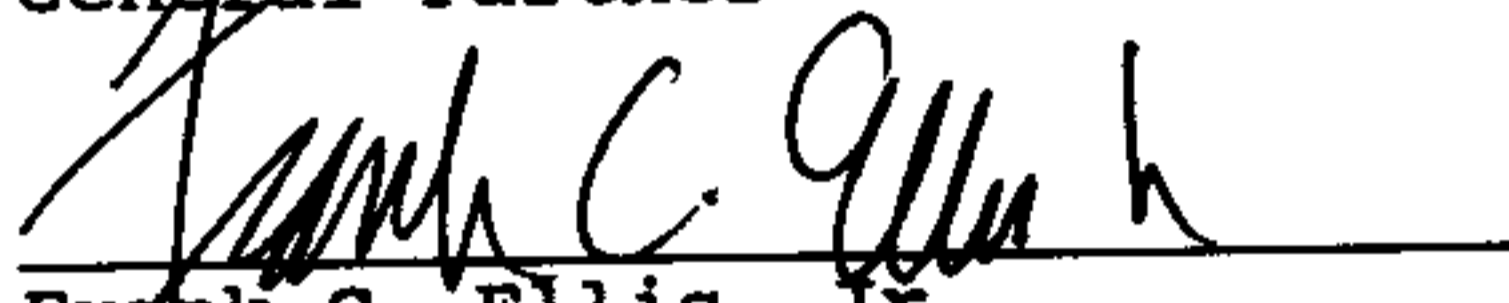
IN WITNESS WHEREOF, we have hereunto set out hands and seals this 15 day of JULY, 1996.


INTERSTATE RESTAURANT  
INVESTORS, AN ALABAMA GENERAL  
PARTNERSHIP

By:   
John McGeever  
Its: General Partner

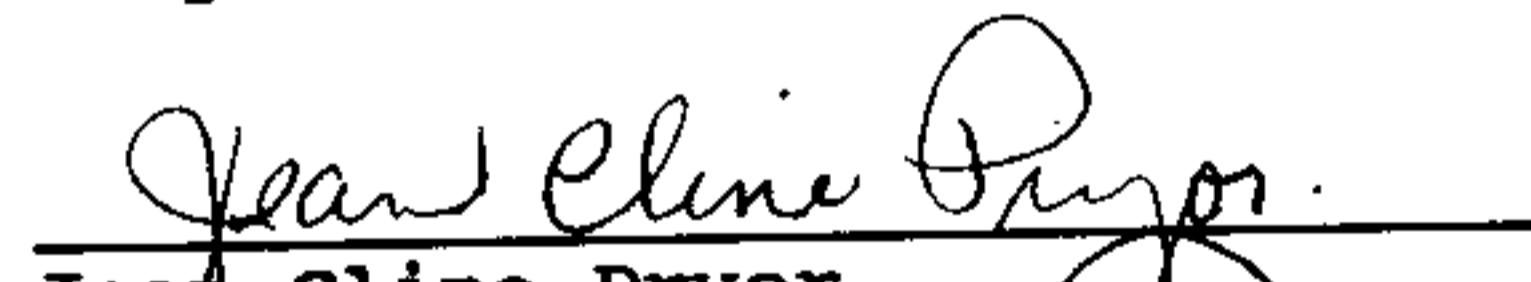
By:   
John G. Benner  
Its: General Partner

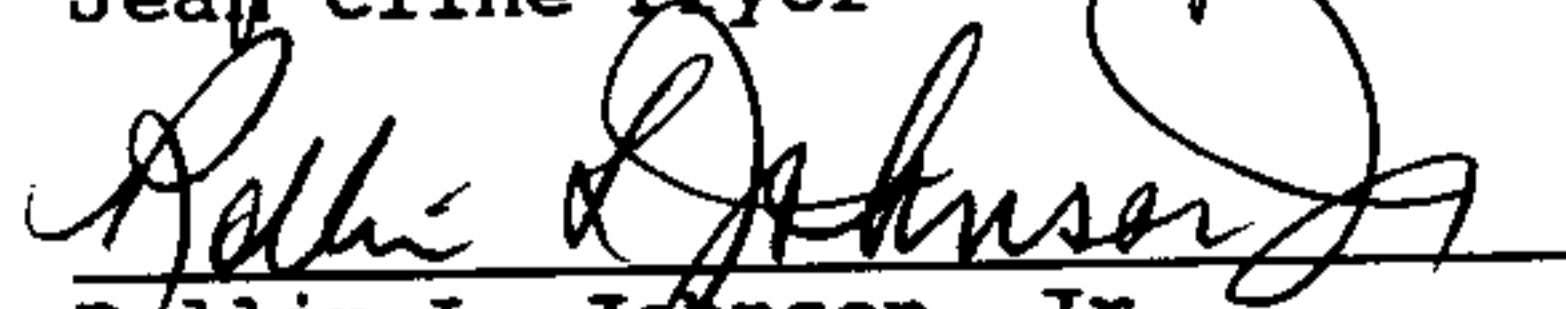
By:   
William R. Robertson  
Its: General Partner

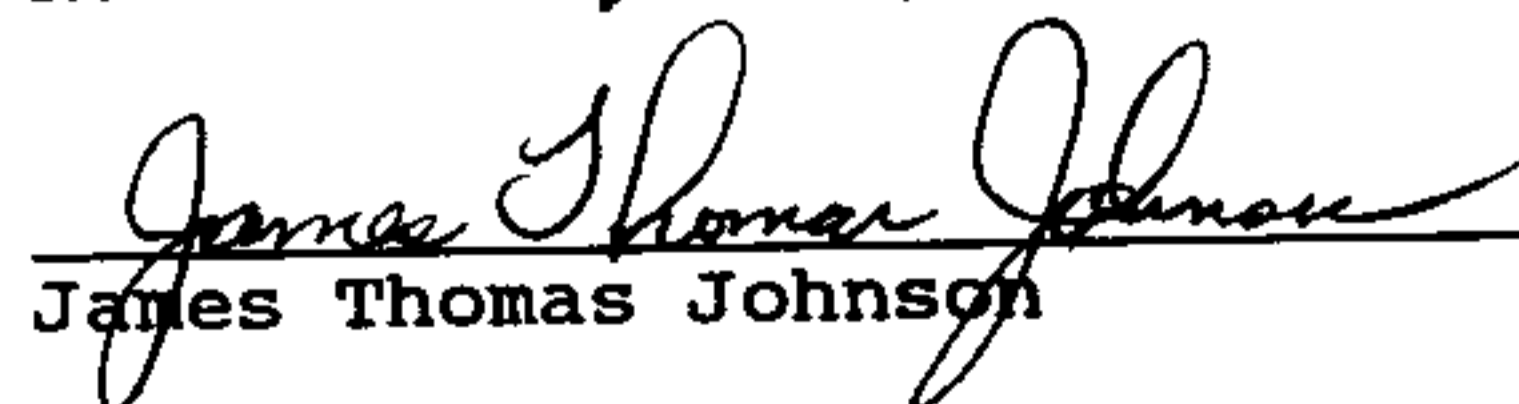
  
Frank C. Ellis, Jr.,  
Individually

  
Addie Smith

  
Mary Cline Martin

  
Jean Cline Pryor

  
Rollin L. Johnson, Jr.

  
James Thomas Johnson

UNION STATE BANK  
BIRMINGHAM, ALABAMA

By:  
Its:

R. V. Alford  
Pres.

COLONIAL BANK - MONTGOMERY

By:  
Its:

W. H. [Signature]  
Vice President

JENKINS DEVELOPMENT COMPANY,  
LLC, AN ALABAMA LIMITED  
LIABILITY COMPANY

By:  
Its:

[Signature]  
Authorized Member

THIS DEDICATION IS ACCEPTED:

THE CITY OF PELHAM, ALABAMA,  
A MUNICIPAL CORPORATION

By:  
Its:

Bobby Hayes  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN MCGEEVER, JOHN G. BENNER and WILLIAM R. ROBERTSON, whose names as General Partners of INTERSTATE RESTAURANT INVESTORS, AN ALABAMA GENERAL PARTNERSHIP, is signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such General Partners and with full authority, executed the same voluntarily for and as the act of said partnership on the day the same bears date.

Given under my hand and seal this 2nd day of July, 1996.

Donna Y. McWhorter  
Notary Public  
My Commission Expires: 5-15-2000

STATE OF ALABAMA )

COUNTY OF Shelley )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that FRANK C. ELLIS, JR., whose name 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 foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 2nd day of July, 1996.

Dorothy Jackson  
Notary Public  
My Commission Expires: 10-25-97

STATE OF ALABAMA )

COUNTY OF Shelby )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that ADDIE SMITH, whose name 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 foregoing instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of April, 1996.

Sammy Pope Boone  
Notary Public  
My Commission Expires: 8-5-96

STATE OF ALABAMA )

COUNTY OF Shelby )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that MARY CLINE MARTIN, whose name 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 foregoing instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of April, 1996.

Sammy Pope Boone  
Notary Public  
My Commission Expires: 8-5-96

STATE OF ALABAMA )

COUNTY OF Shelby )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JEAN CLINE PRYOR, whose name 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 foregoing instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of April, 1996.

Jammy Pope-Boone  
Notary Public  
My Commission Expires: 8-5-96

STATE OF ALABAMA )

COUNTY OF Shelby )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that ROLLIN L. JOHNSON, JR., whose name 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 foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of April, 1996.

Jammy Pope-Boone  
Notary Public  
My Commission Expires: 8-5-96

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JAMES THOMAS JOHNSON, whose name 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 foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17<sup>th</sup> day of June 1996, 1996.

Josh Davis  
Notary Public  
My Commission Expires: 12-28-98

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Rex V. Alexander, whose name as President of UNION STATE BANK, a state banking institution, 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/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this 12th day of July, 1996.

Lara M. Selby  
Notary Public  
My Commission Expires: \_\_\_\_\_

MY COMMISSION EXPIRES APRIL 7, 1999

STATE OF ALABAMA )

COUNTY OF MONTGOMERY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that E. H. O'Gwynn, III, whose name as Vice President of COLONIAL BANK - MONTGOMERY, a state banking institution, 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/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this 11 day of July, 1996.

William S. Norman  
Notary Public  
My Commission Expires: 5-10-98

STATE OF ALABAMA )

COUNTY OF Montgomery )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that J.M. JENKINS, whose name as Authorized Member of JENKINS DEVELOPMENT COMPANY, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, 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/she, as such Authorized Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 11 day of July, 1996.

Denise A. Norman  
Notary Public  
My Commission Expires: 7-10-98

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Bobby Hayes, whose name as Mayor of THE CITY OF PELHAM, ALABAMA, A MUNICIPAL 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/she, as such Mayor and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 15th day of July, 1996.

Donna Fessler  
Notary Public  
My Commission Expires: 9-1-97

# EXHIBIT 'A'

## LEGAL DESCRIPTION OF FRONTAGE ROAD (PELHAM) JOHNSON ESTATE PROPERTY

The following is a description of a parcel of land to be dedicated for a frontage road, which frontage road extends between and joins State Highway 119 to U. S. Highway 31.

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run North along the Quarter line 506.79 feet; thence left  $12^{\circ} 25' 36''$ , 1325.96 feet; thence right  $129^{\circ} 39' 13''$ , 359.51 feet to the Southeast corner of the property conveyed to Interstate Restaurant Investors/Ellis; thence continue along last stated course 310.25 feet to the point of beginning, said point being in a curve to the left, said curve having a central angle of  $01^{\circ} 42' 19''$  and a radius of 2006.89 feet, thence right  $81^{\circ} 56' 01''$  to the tangent of said curve run along the arc 59.73 feet; thence left  $80^{\circ} 13' 42''$  to tangent and leaving said curve run in a Northerly direction 57.86 feet to a point on the Right-of-Way of State Highway 119, said point being in a curve to the right, said curve having a central angle of  $01^{\circ} 07' 55''$  and a radius of 1949.89 feet, thence left  $100^{\circ} 03' 36''$  to the tangent of said curve run along the arc and said Right-of-Way 38.52 feet; thence left  $81^{\circ} 04' 19''$  to tangent and leaving said curve and said Right-of-Way run in a southerly direction 8.74 feet to a curve to the right, said curve having a central angle of  $81^{\circ} 47' 12''$  and a radius of 24.5 feet, thence continue along the arc 34.97 feet, thence left  $81^{\circ} 47' 12''$  to tangent and leaving said curve run in a southerly direction 27.78 feet to the point of beginning.

# EXHIBIT 'B'

## LEGAL DESCRIPTION OF FRONTAGE ROAD (PELHAM)

The following is a description of a centerline of the Right-of-Way for a frontage road being 27 feet wide, more or less, which frontage road extends between and joins State Highway 119 to U. S. Highway 31.

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run North along the Quarter line 506.79 feet; thence left  $121^{\circ} 25' 36''$ , 1325.96 feet; thence right  $129^{\circ} 39' 13''$ , 359.51 feet to the Southeast corner of the property conveyed to Interstate Restaurant Investors/Ellis; thence continue along last stated course 323.88 feet to the point of beginning of said centerline, said point being in a curve to the right, said curve having a central angle of  $6^{\circ} 57' 27''$  and a radius of 1993.39 feet; thence left,  $98^{\circ} 07' 18''$  to the tangent of said curve run along the arc of said curve 242.06 feet to a curve to the left, said curve having a central angle of  $42^{\circ} 50' 36''$ , and a radius of 63.5 feet, run along the arc of said curve 47.48 feet to the point of tangency; thence continue along the tangent 3.02 feet to a curve to the left, said curve having a central angle of  $45^{\circ} 59' 33''$  and a radius of 63.5 feet, run along the arc of said curve 50.97 feet to the point of tangency; thence continue along the tangent 113.91 feet to a curve to the left, said curve having a central angle of  $7^{\circ} 56' 30''$  and a radius of 150.0 feet, thence run along the arc of said curve 20.79 feet to the point of tangency; thence continue along the tangent 63.56 feet to a curve to the right, said curve having a central angle of  $51^{\circ} 07' 48''$  and a radius of 50 feet, thence run along the arc of said curve 44.62 feet to the end of this dedication.

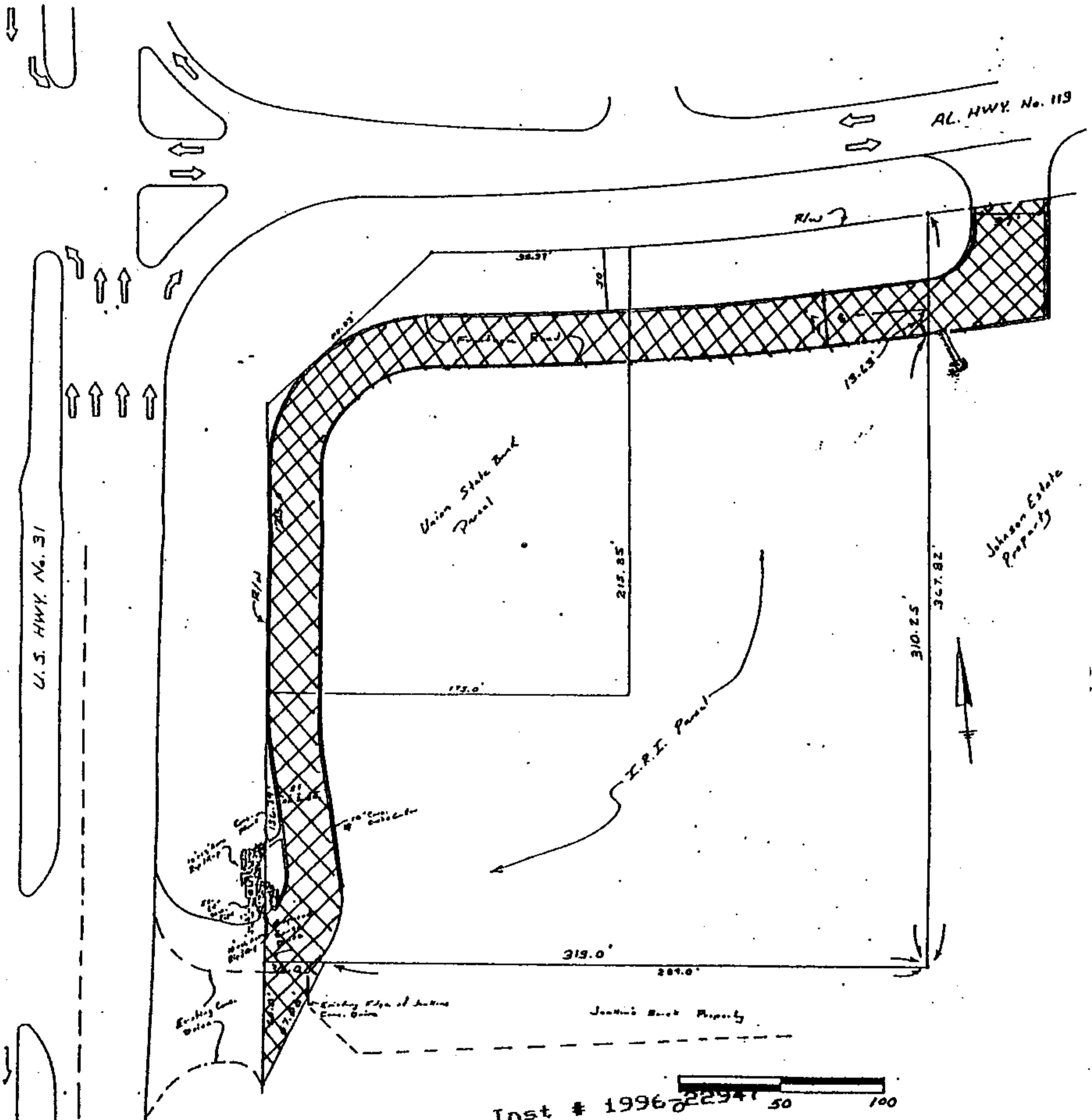
EXHIBIT 'C'

**LEGAL DESCRIPTION FRONTAGE ROAD DEDICATION**

Commence at the Southeast corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run North along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$ , 1325.96 feet; thence right  $129^{\circ}39'13''$ , 359.51 feet; thence, left  $90^{\circ}00'$ , 289.00 feet to the point of beginning of said dedication; thence continue on last stated course 30 feet to the Easterly Right-of-Way of U. S. Highway 31 and to the Northwest corner of the property conveyed to Jenkin's Brick; thence left  $90^{\circ}00'$ , 60.0 feet Southerly along said R.O.W.; thence  $153^{\circ}26'06''$  left and leaving said Right-of-Way run Northeasterly 67.08 feet to the point of beginning and to the end of Frontage Road Dedication.

Jenkins

# EXHIBIT 'D'



Inst # 1996-22947 50 100

07/17/1996-22947  
09:26 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
011 MCD 33.50

Frontage Rd. SE corner of the  
Intersection of Hwy #31 and Hwy #119  
Pellham, Alabama