

This instrument prepared by  
or under the direction of:

1996-00296-KPC



Richard C. Keene  
Senior Counsel for Grantee  
Law Department  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, Florida 32202

Inst # 1996-30551

### DEED OF EASEMENT

THIS EASEMENT DEED, Made as of this 13 day of Sept. 1996, 1996, by and between DALE DEWAYNE NEW and ESTHER KATE NEW, Husband and Wife, whose mailing address is 7125 Highway 49, Columbiana, Alabama 35051, hereinafter called "Grantor," and CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Grantee"; WITNESSETH:

THAT, for and in consideration of payment of the sum of ONE AND NO/100 DOLLARS (\$1.00), which is the full monetary consideration for this conveyance, and other valuable consideration, the receipt whereof is hereby acknowledged, Grantor does hereby GRANT and CONVEY unto Grantee, Grantee's successors and assigns, WITHOUT WARRANTY and only to the extent that Grantor's title permits, an access easement, twenty-five feet (25') wide, on, over or across Grantor's property at Chelsea, County of Shelby, State of Alabama, hereinafter designated "the Easement", which Easement is more particularly described in Exhibit A, attached hereto and incorporated herein.

TO HAVE AND TO HOLD the Easement and rights herein granted, solely for the purpose of ingress/egress to/from Shelby County Road No. 47 from/to Grantee's tracks and right-of-way to the north: SUBJECT, however, to any public or private utilities, cables, wires, pipes and other facilities located in, on, over, under or across the Easement, and all agreements, easements and rights granted or reserved therefor, whether the instruments granting or reserving the same be recorded or unrecorded.

Inst # 1996-30551

09/16/1996-30551  
03:07 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 KCD 14.00

IN WITNESS WHEREOF, DALE DEWAYNE NEW and ESTHER KATE NEW, have caused their names to be signed hereto.

Signed, sealed and delivered  
in the presence of:

Connie Parten

By Dale Dewayne New  
DALE DEWAYNE NEW

Connie Parten

By Esther Kate New  
ESTHER KATE NEW

STATE OF ALABAMA     )  
                                  ) SS.  
COUNTY OF SHELBY     )

I, Connie Parten, a Notary Public of the State of Alabama and the County of Shelby, do certify that, on the date below, before me in said County came DALE DEWAYNE NEW, (✓) to me known, and/or (✓) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: he resides in Columbiana, Shelby County, Alabama; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 16<sup>th</sup> day of Sept, 1996.

My commission expires on:

Connie Parten (SEAL)  
Notary Public  
Print Name: Connie Parten

MY COMMISSION EXPIRES OCT. 25, 1998

STATE OF ALABAMA     )  
                                  ) SS.  
COUNTY OF             )

I, Connie Parten, a Notary Public of the State of Alabama and the County of Shelby, do certify that, on the date below, before me in said County came ESTHER KATE NEW, (✓) to me known, and/or (✓) proven by satisfactory current evidence to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did make oath, acknowledge and say that: she resides in Columbiana, Shelby County, Alabama; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this 16<sup>th</sup> day of Sept, 1996.

My commission expires on:

Connie Parten (SEAL)  
Notary Public  
Print Name: Connie Parten

MY COMMISSION EXPIRES OCT. 25, 1998

## EXHIBIT A

Description of Easement at: Chelsea, Shelby County, Alabama  
To: Dale Dewayne New and Esther Kate New  
CSXT Deed File No.: 1996-00296-KPC/jls

Inst # 1996-30551

Centerline of a 25 foot Access Easement, for ingress and egress; said Access Easement being 150 feet long and 12.5 feet each side of the described centerline as follows:

COMMENCING at the Northeast Corner of Section 34 Township 19 South Range 1 West, Shelby County, Alabama; thence South 88 degrees 06 minutes 50 seconds West along the North Boundary line of said Section 34 for a distance of 777.10 feet; thence South 1 degree 53 minutes 10 seconds East, a distance of 646.93 feet to the centerline of the CSXT Railroad at the West end of a bridge over Yellow Leaf Creek at railroad station 13362+21.9; thence South 79 degrees 44 minutes 03 seconds West, along said centerline of said CSXT Railroad for a distance of 359.10 feet; thence South 10 degrees 15 minutes 57 seconds East, a distance of 150.00 feet; thence South 79 degrees 44 minutes 03 seconds West and at 150 feet South and parallel with said CSXT Railroad for a distance of 664.97 feet to the point of curvature of a tangent curve, concave to the North, having a radius of 1582.68 feet and a central angle of 22 degrees 29 minutes 06 seconds; thence West along said curve, a distance of 621.00 feet to a point which is 150 feet South of CSXT Railroad; thence North 00 degrees 53 minutes 47 seconds West, a distance of 77.11 feet to a point which is 75 feet South of the CSXT Railroad and the point of curvature of a tangent curve, concave to the North, having a radius of 1507.69 feet, thence East along said curve, a distance of 88.0 feet more or less to a point which is 75 feet South of the CSXT Railroad for the POINT OF BEGINNING; thence South 00 degrees 53 minutes 47 seconds East for a distance of 150 feet, more or less, to the North right of way line of Shelby County Road No. 47 for the POINT OF ENDING of said 25 foot wide Access Easement.

Said Access Easement is bounded on the North by CSXT Railroad, on the South by Shelby County Road No. 47 North right of way line, on the West by the west line of Dale and Kate New property, and on the East by Dale and Kate New property.

Containing 0.09 of an acre, more or less.

BEING more particularly shown on plat of survey dated June 21, 1996, prepared by Larry W. Carver, Registered Land Surveyor Number 15454, 320 Highway 437, Sterrett, Alabama 35147.

09/16/1996-30551  
03:07 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 14.00