

STATE OF ALABAMA )

SHELBY COUNTY )

**EASEMENT FOR SANITARY SEWER LINES AND WATER LINES**

In consideration of ten dollars (\$10.00) and other valuable consideration paid to Eddleman Properties, Inc., an Alabama corporation, (hereinafter collectively called "Grantor"), by The Water Works and Sewer Board of the City of Birmingham, a public corporation organized under and by virtue of the laws of the State of Alabama, (hereinafter called "Board"), the receipt and sufficiency of which the Grantor hereby acknowledges, the Grantor does hereby grant, bargain, sell and convey unto the Board, its successors and assigns, an easement (hereinafter called "Easement") over, across, under and through the hereinafter described real estate for the purposes of, at such times and from time to time in the future as the Board may elect, laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing sanitary sewer pipelines and water pipelines and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, deemed by the Board to be necessary or useful in connection with the collection and treatment of sewage and the transportation, distribution and sale of water (hereinafter collectively called "Pipelines"), together with all rights and privileges necessary or convenient for the full enjoyment or use of the rights herein granted, including, but not limited to, the free right of ingress and egress over the hereinafter described real estate, together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and keep clear all trees, brush, undergrowth and other obstructions, whether located upon or near the Easement, to the extent necessary to permit the full enjoyment of the rights and privileges herein granted, and the protection of the

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CLAYTON T. SWEENEY, ATTORNEY AT LAW



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Pipelines, and together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and remove or otherwise disturb paving or other road covering to the extent necessary to permit the full enjoyment of the rights and privileges granted to the Board hereunder, subject to the Board's obligation to repair any damage done by it to the paving or other road covering; said real estate being described as follows:

The strips or parcels of land which are a part of the real estate described on Exhibit A attached hereto which are designated or shown as streets or easements on the plat for the proposed Fourteenth Sector of Brook Highland attached hereto as Exhibit B, which strips or parcels of land shall be dedicated or reserved as streets or easements when the subdivision maps of the proposed Fourteenth Sector of Brook Highland subdivision are recorded in the office of the Judge of Probate of Shelby County, Alabama.

The rights and privileges herein granted are given, granted and accepted upon the following conditions and subject to the following stipulations:

1. The Grantor hereby covenants with the Board that the Grantor is lawfully seized in fee simple of the above described real estate, that it is free from all encumbrances, except as hereinafter set forth in this paragraph and that the Grantor has a good right to grant the easement and right of way granted hereby as aforesaid and that the Grantor will warrant against the claims of all persons subject to current real estate ad valorem taxes which are not delinquent, and any other liens or encumbrances which are approved in writing by the Board. The easement granted hereby is granted subject to any easements and restrictions of record.

2. The Grantor agrees not to construct, cause to be constructed, or permit to be constructed, on the above described real estate any lake or pond or any building or structure of

any kind which would prevent ready access to, or interfere with, the Pipelines for any of the purposes hereinabove set forth.

3. No delay of the Board in the use of the easement and rights hereby granted or in laying or installing Pipelines in or along the Easement shall result in the loss, limitation or abandonment of any right, title, interest, right of way, easement or estate granted hereby.

4. By the acceptance of this instrument, the Board agrees, at its sole cost, to maintain the Pipelines in good operating condition and to repair and replace the Pipelines, as necessary, at all times in the future, so long as the Pipelines are being used by the Board. The Board agrees to repair at its sole cost, any damage caused to the Easement areas by it or its contractors and subcontractors, including damage to any pavement, gutters, curbing, landscaping and other permitted improvements within the Easement areas. If the Board damages the Easement areas, it agrees to restore same to substantially the same condition existing at the time of the damage as soon as reasonably practicable under the circumstances.

5. The Grantor reserves the absolute right to use the real estate subject to the Easement for any purposes not inconsistent or in conflict with the rights and privileges herein granted to the Board.

6. This instrument states the entire agreement between the Grantor and the Board and merges in this instrument all statements, representations and covenants heretofore made and any agreements not included in this instrument are void and of no force and effect. This instrument may be modified only by a written instrument signed by the Grantor and the Board.

7. This instrument shall inure to the benefit of, and be binding upon the Grantors and the Board and their respective successors and assigns.

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

**IN WITNESS WHEREOF**, Eddleman Properties, Inc. has caused this Instrument to be executed by its duly authorized corporate officer, on this 11 day of June 1997, 1997.

Eddleman Properties, Inc.,  
an Alabama corporation

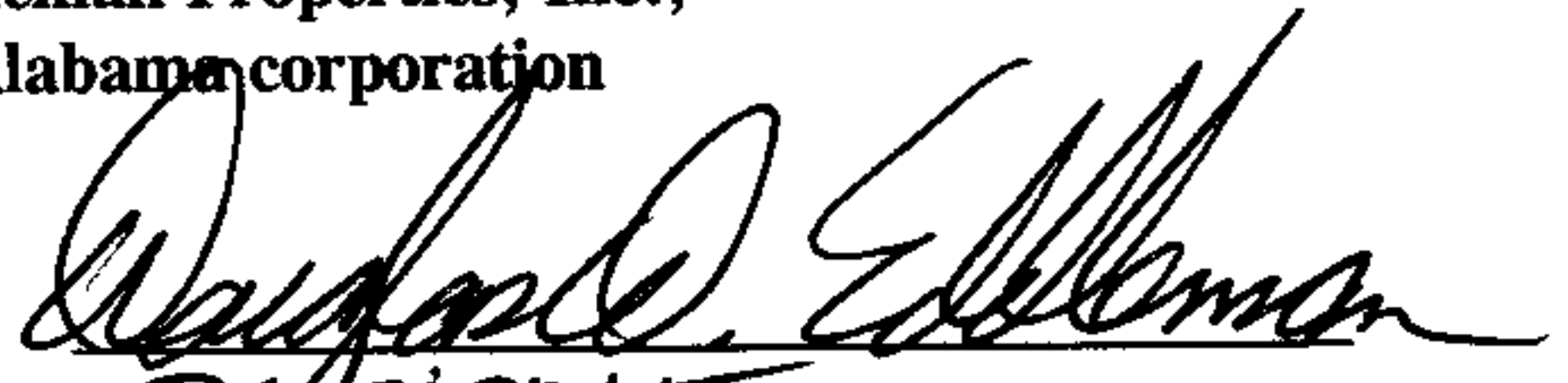
ATTEST:

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

  
PRESIDENT

STATE OF ALABAMA )  
Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County in said State hereby certify that DOUGLAS D. EDDLEMAN whose name as PRESIDENT of Eddleman Properties, Inc., an Alabama corporation, is signed to the foregoing Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Easement, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 11 day of June 97, 1997.

AFFIX SEAL

Rebecca K. Rasati  
Notary Public  
My commission expires: 2/3/2001

This instrument prepared by:

Wendy L. Cornett, Esq.  
Burr & Forman  
SouthTrust Tower  
420 N. 20th Street, Suite 3100  
Birmingham, Alabama 35203



## EXHIBIT A

A parcel of land to be known Brook Highland 14th Sector situated in Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of Lot 2003 in Brook Highland 20th Sector as recorded in Map Book 16, on Page 148, in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a southeasterly direction along the Northeast line of Lots 2003 and 2002 in said Brook Highland 20th Sector for a distance of 161.18 feet to the Northwest corner of Lot 2001 in said Brook Highland 20th Sector; thence turn an angle to the left of 23 degrees 46 minutes 33 seconds and run in a Northeasterly direction along the Northwest line of said Lot 2001 for a distance of 175.00 feet to a point on the Northwest right-of-way line of Brook Highland Drive as recorded in Map Book 12, on Page 73 & 74, in the Office of the Judge of Probate, Shelby County, Alabama, said point being on a curve to the right having a central angle of 62 degrees 48 minutes 27 seconds and a radius of 411.97 feet; thence turn an angle to the right of 0 degrees 00 minutes 00 seconds to the radius of said curve and run in a northeasterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 451.60 feet to a point; thence turn tangent to last stated curve and run in a northeasterly direction for a distance of 607.14 feet to a point on a curve to the left having a central angle of 23 degrees 05 minutes 48 seconds and a radius of 1,402.40 feet; thence run in a northeasterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 565.32 feet to a point; thence turn tangent to last stated curve and run in a northeasterly direction along said Northwest right-of-way line for a distance of 281.47 feet to a point on a curve to the right having a central angle of 12 degrees 14 minutes 42 seconds and a radius of 848.51 feet; thence run in a northeasterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 181.34 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds from the tangent of last stated curve and run in a northwesterly direction for a distance of 125.00 feet to a point; thence turn an angle to the left of 59 degrees 56 minutes 07 seconds and run in a southwesterly direction for a distance of 108.88 feet to a point; thence turn an angle to the left of 42 degrees 18 minutes 35 seconds and run in a southwesterly direction for a distance of 498.14 feet to a point; thence turn an angle to the right of 5 degrees 40 minutes 09 seconds and run in a southwesterly direction for a distance of 320.75 feet to a point; thence turn an angle to the left of 76 degrees 43 minutes 47 seconds and run in a southeasterly direction for a distance of 139.46 feet to a point on the Northwest right-of-way line of said Brook Highland Drive, said point being on a curve to the right having a central angle of 4 degrees 09 minutes 27 seconds and a radius of 1,402.40 feet; thence turn an angle to the right of 0 degrees 00 minutes 00 seconds to the radius of said curve and run in a southwesterly direction along the arc of said curve and also along said Northwest right-of-way line for a distance of 101.76 feet to a point; thence turn tangent to last stated curve and run

in a southwesterly direction for a distance of 225.14 feet to a point; thence turn an angle to the right of 90 degrees 00 minutes 00 seconds and run in a northwesterly direction for a distance of 210.00 feet to a point; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds and run in a southwesterly direction for a distance of 220.00 feet to a point; thence turn an angle to the right of 69 degrees 09 minutes 12 seconds and run in a northwesterly direction for a distance of 253.71 feet to a point; thence turn an angle to the right of 35 degrees 26 minutes 10 seconds and run in a northwesterly direction for a distance of 430.37 feet to a point; thence turn an angle to the left of 81 degrees 00 minutes 41 seconds and run in a southwesterly direction for a distance of 180.00 feet to a point on the Southeast line of Lot 2017 in said Brook Highland 20th Sector; thence turn an angle to the left of 43 degrees 21 minutes 08 seconds and run in a southwesterly direction along the Southeast line of said Lot 2017 for a distance of 14.79 feet to the Northeast corner of Lot 2016 in said Brook Highland 20th Sector; thence turn an angle to the left of 9 degrees 14 minutes 20 seconds and run in a southwesterly direction along the Southeast line of Lots 2016 through 2010 in said Brook Highland 20th Sector for a distance of 921.55 feet to the Northeast corner of Lot 2009 in said Brook Highland 20th Sector; thence turn an angle to the left of 64 degrees 55 minutes 08 seconds and run in a southeasterly direction along the Northeast line of Lots 2009 and 2008 in said Brook Highland 20th Sector for a distance of 142.32 feet to the Southeast corner of said Lot 2008; thence turn an angle to the right of 90 degrees 00 minutes 34 seconds and run in a southwesterly direction along the Southeast line of said Lot 2008 for a distance of 225.57 feet to a point on a the Northeast right-of-way line of Brook Highland Ridge in said Brook Highland 20th Sector, said point being on a curve to the left having a central angle of 10 degrees 57 minutes 35 seconds and a radius of 731.89 feet; thence turn an angle to the left of 180 degrees 00 minutes 00 seconds to the radius of said curve and run in a southeasterly direction along the arc of said curve and also along said Northeast right-of-way line for a distance of 140.00 feet to the Northwest corner of Lot 2006 in said Brook Highland 20th Sector; thence turn an angle to the left of 90 degrees 00 minutes 00 seconds from the tangent of last stated curve and run in a northeasterly direction along the Northwest line of said Lot 2006 for a distance of 216.18 feet to the Northernmost corner of said Lot 2006; thence turn an angle to the right of 100 degrees 57 minutes 01 seconds and run in a southeasterly direction along the Northeast line of said Lot 2006 for a distance of 64.98 feet to a point; thence turn an angle to the left of 35 degrees 05 minutes 59 seconds and run in a southeasterly direction along the Northeast line of Lots 2006, 2005 and 2004 in said Brook Highland 20th Sector for a distance of 254.29 feet to the point of beginning. Said parcel containing 22.00 acres more or less.

**EXHIBIT B - MAP OF FOURTEENTH SECTOR**

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