

STATE OF ALABAMA
SHELBY COUNTY

WITNESSETH this Agreement entered into this 12th day of February, 1998, by and between Shelby County, Alabama (hereinafter "County"), and Forest Parks, LLC, an Alabama Limited Liability Company (hereinafter "Forest Parks"):

WHEREAS, County currently has a thirty (30) feet wide access easement over and across Forest Parks First Sector as recorded in Map Book 22, Page 28C in the office of the Judge of Probate of Shelby County, Alabama, which said easement is for the use by County in accessing its water tank, and

WHEREAS, Forest Parks has requested that said above easement, a copy of which is attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, be vacated, and

WHEREAS, Forest Parks has offered to deed to County certain additional property located in the aforesaid subdivision which will provide an alternate means of ingress and egress to and from County's aforesaid water tank, which said alternate access and the property which Forest Parks offers to convey to County is more particularly described on Exhibit "B" attached hereto and made part and parcel hereof as fully as if set out herein, and

WHEREAS, Forest Parks has offered to construct at its expense a new road equal in quality and standard to the existing road to said water tank and to relocate the County gate as explained in the attached letter dated January 22, 1998 and attached drawing, both of which are attached hereto as a two-page Exhibit "C" and made part and parcel hereof as fully as if set out herein, and

WHEREAS, County desires to consent to the vacation of said easement and to accept a deed to the property shown on Exhibit "B" attached hereto, all in accord with the terms and provisions of this Agreement:

NOW, THEREFORE, in consideration of the premises and mutual promises, covenants and agreements contained herein, the parties hereto do hereby agree, covenant and contract as follows:

1. That upon receipt of a warranty deed conveying the property to County which is described on Exhibit "B" attached hereto, and upon satisfactory construction of the new road and the relocation of the gate thereon as reflected in the two-page Exhibit "C" attached hereto, the County does hereby vacate the aforesaid thirty (30) foot current easement described on Exhibit "A" and does hereby release, quitclaim and convey the same to Forest Parks.

2. Forest Parks does hereby agree to build a new access road for County equal to current County access over and across the property described on Exhibit "B" attached hereto and relocate the County gate as shown on the attached drawing in Exhibit "C". Forest Parks further agrees that it will simultaneously herewith

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SHELBY COUNTY JUDGE OF PROBATE
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Inst # 1998-04998

execute a warranty deed conveying to County for public purposes, including but not being limited to the right of access to and from said tank, the property described on Exhibit "B" attached hereto.

3. County hereby acknowledges receipt of a warranty deed to the property described on Exhibit "B" and does hereby vacate the right of way easement described on Exhibit "A" and releases, quitclaims and conveys title to the property described on Exhibit "A" to Forest Parks.

4. Forest Parks agrees that the above said road which is to be built by Forest Parks over and along the property being conveyed to County and the relocation of said gate shall proceed rapidly and be completed according to County specifications with forty-five (45) days from the date hereof. It is understood and agreed that County shall have the right to continue to use the roadway over and along the previous easement until such time as the new roadway is constructed and the gate relocated and same is accepted by County.

IN TESTIMONY, we have placed our hands and seals on the date first given above.

SHELBY COUNTY, ALABAMA

Kim Walter
Witness

By: Alex Dudchok
Alex Dudchok, County Manager

FOREST PARKS, LLC

Thong Jae Logan
Witness

By: David M. Mays
Its MANAGING PARTNER

Exhibit "A"

A 30 foot access easement to be vacated situated in Forest Parks 1st Sector ad recorded in Map Book 22, on Page 28 C, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of Lot 141, in said Forest Parks 1st Sector, said Southwest corner being on the West right of way line of Conroy Road, thence run in a northeasterly direction along a projection of the Southeast line of said Lot 141 and crossing said Conroy Road for a distance of 60.00 feet to a point; thence turn an angle to the left of 90°00'00" and run in a northwesterly direction along the East right of way line of said Conroy Road for a distance of 200.00 feet to a point; thence turn an angle to the right of 90°00'00" and run in a northeasterly direction for a distance of 127.14 feet to the point of beginning of the 30 foot access easement to be vacated; thence continue along last stated course for a distance of 32.79 feet to a point; thence turn an angle to the left of 114°18'37" and run in a northwesterly direction for a distance of 58.34 feet to a point; thence turn an angle to the right of 16°30'10" and run in a northwesterly direction for a distance of 26.91 feet to a point; thence turn an angle to the right of 9°05'45" and run in a northwesterly direction for a distance of 30.28 feet to point; thence turn an angle to the right of 21°30'15" and run in a northerly direction for a distance of 37.22 feet to a point; thence turn an angle to the left of 89°35'35" and run in a westerly direction for a distance of 30.00 feet to a point; thence turn an angle to the left of 90°24'25" and run in a southerly direction for a distance of 43.13 feet to a point; thence turn an angle to the left of 21°30'15" and run in a southeasterly direction for a distance of 38.37 feet to a point; thence turn an angle to the left of 9°05'45" and run in a southeasterly direction for a distance of 32.98 feet to a point; thence turn an angle to the left of 16°25'30" and run in a southeasterly direction for a distance of 49.83 feet to the point of beginning.

Exhibit "B"

A part of Forest Parks to be dedicated to the Shelby County park situated in the South $\frac{1}{2}$ of Section 16, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows: Commence at the Southeast corner of Lot 141 in Forest Parks 1st Sector as recorded in Map Book 22, on Page 28 C, in the Office of the Judge of Probate, Shelby County, Alabama, said Southeast corner being on the West right of way line of Conroy Road in said Forest Parks 1st Sector; thence run in a northeasterly direction along a projection of the Southeast line of said Lot 141 and crossing said Conroy Road for a distance of 60.00 feet to a point; thence turn an angle to the left of 90°00'00" and run in a northwesterly direction along the East right of way line of said Conroy Road for a distance of 200.00 feet to a point; thence turn an angle to the right of 90°00'00" and run in a northeasterly direction for a distance of 135.30 feet to the point of beginning; thence continue along last stated course for a distance of 92.43 feet to a point; thence turn an angle to the left of 116°22'10" and run in a northwesterly direction for a distance of 155.85 feet to a point; thence turn an angle to the left of 144°11'30" and run in a southeasterly direction for a distance of 141.55 feet to the point of beginning. Said part of Forest Parks containing 6453 square feet more or less.

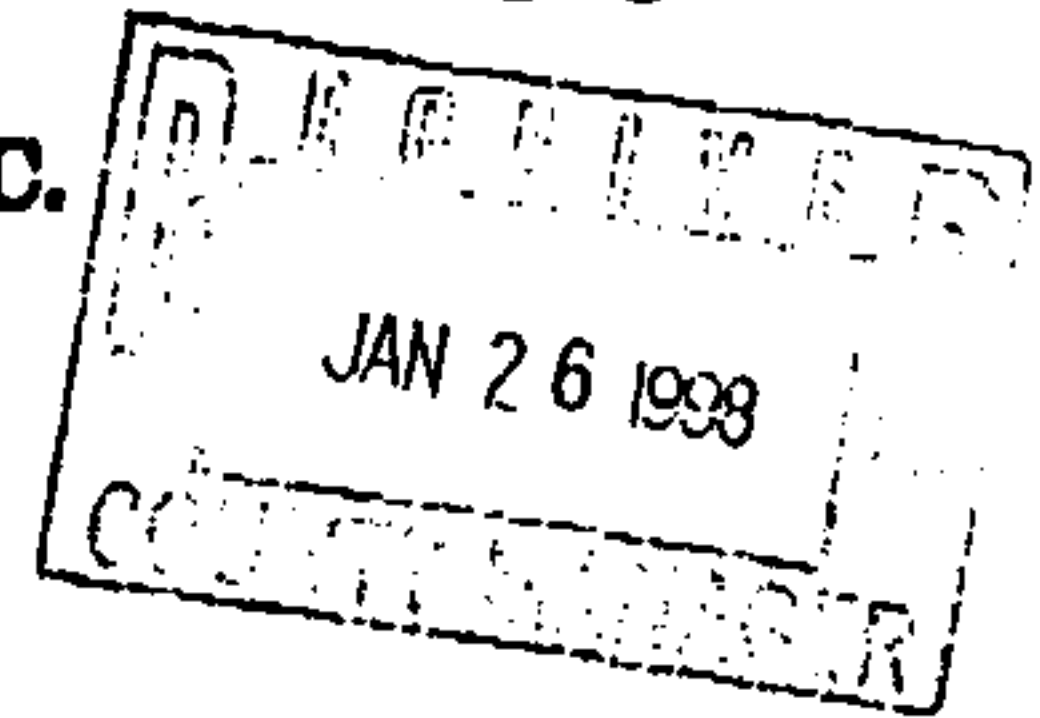
K.B. WEYGAND & ASSOCIATES, P.C.

Civil Engineers and Land Surveyors

(205) 991-8965

FAX (205) 991-6032

January 22, 1998



Mr. Alex Dudchock
 Mr. Don Hughes
 % Shelby County Commission
 P. O. Box 467
 Columbiana, Alabama 35051

Re: Access to water tank at Forest Park

Gentlemen:

1/26/98
 Don
 IF THIS MEETS YOUR
 APPROVAL PLS SIGN AND
 RETURN TO ME ... I'll
 send it back to them
 After I sign it.
 All


Our sales personnel have indicated a certain amount of sales resistance to the present access road to your water tank. By this letter, I request the following:

- a) that your present easement for access be vacated;
- b) that at my expense we build you a new road and relocate your gate as shown on the attached drawing.

Please notice the location of the pipe coming to the tank from County Road #43 - we have stayed well clear of the pipe.

If you have any questions, please call.

Yours truly,


 Kenneth B. Weygand

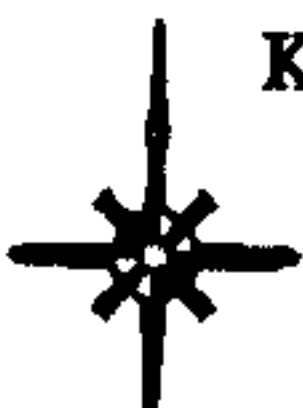
APPROVED: _____


 Alex Dudchock, County Manager

APPROVED: _____

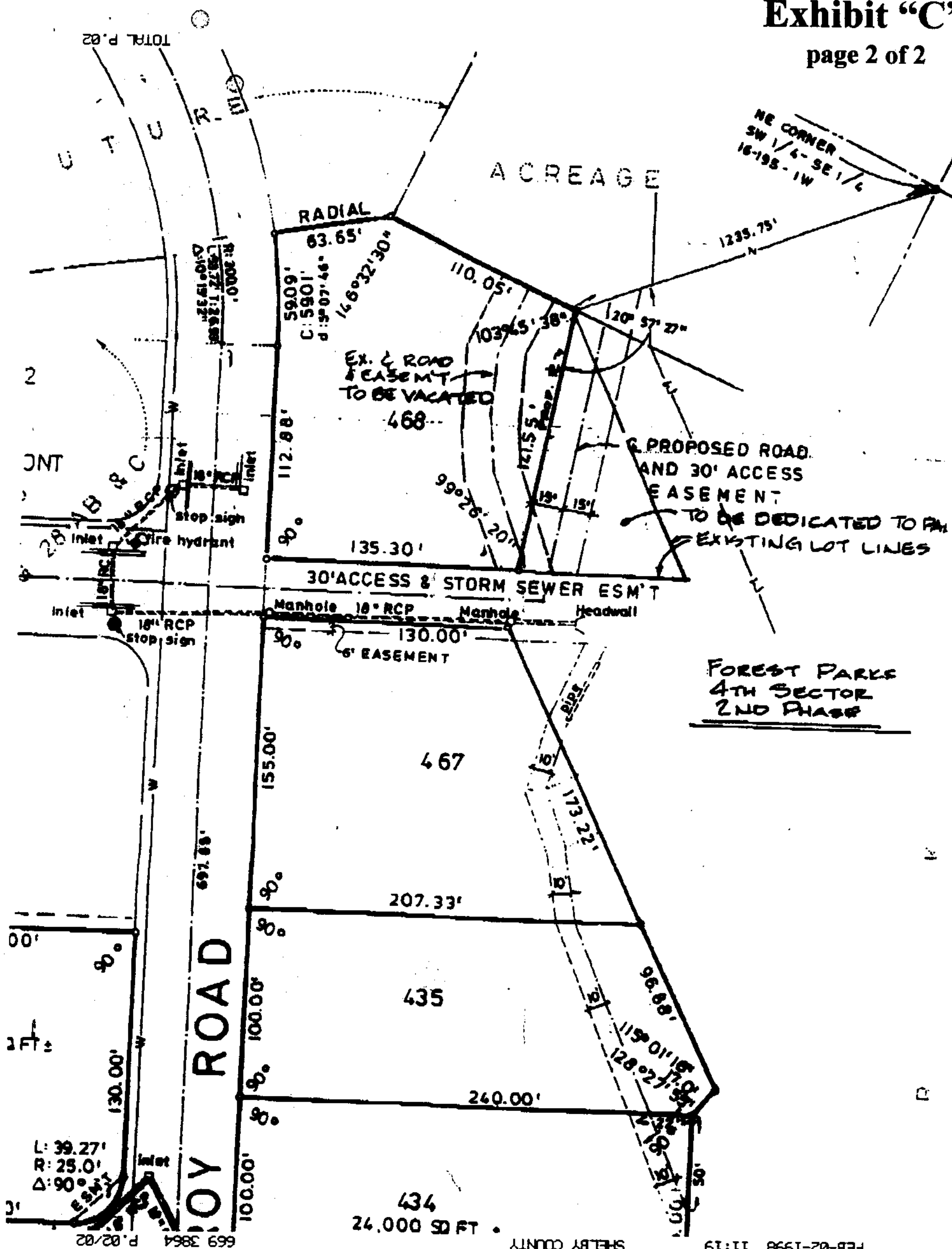

 Don Hughes, Public Works Director

KBW/mjl



2233 Cahaba Valley Drive • Birmingham, Alabama 35242
 P.O. BOX 380065 • BIRMINGHAM, ALABAMA 35238-0065

page 2 of 2



VALUE: \$ _____

SEND TAX NOTICE TO:

This Instrument was prepared by:
WALLACE, ELLIS, FOWLER & HEAD
P. O. Box 587
Columbiana, AL 35051

COPY

WARRANTY DEED

**STATE OF ALABAMA
SHELBY COUNTY**

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One and no/100th Dollar (\$1.00) to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, **Forest Parks, LLC**, an Alabama Limited Liability Company (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto **Shelby County, Alabama** (herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, which said Exhibit "A" is signed by grantors herein for the purpose of identification.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors and administrators covenant with the said grantees, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantees, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand(s) and seal(s), this 12th day of February, 1998.

FOREST PARKS, LLC

By: [Signature] (SEAL)
Its [Signature]

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Kenneth B. Wygant, whose name as Margaret Carter of Forest Parks, 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 such instrument, 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 12th day of February, 1998.

[Signature]
Notary Public
My commission expires 5/14/98

EXHIBIT "A"

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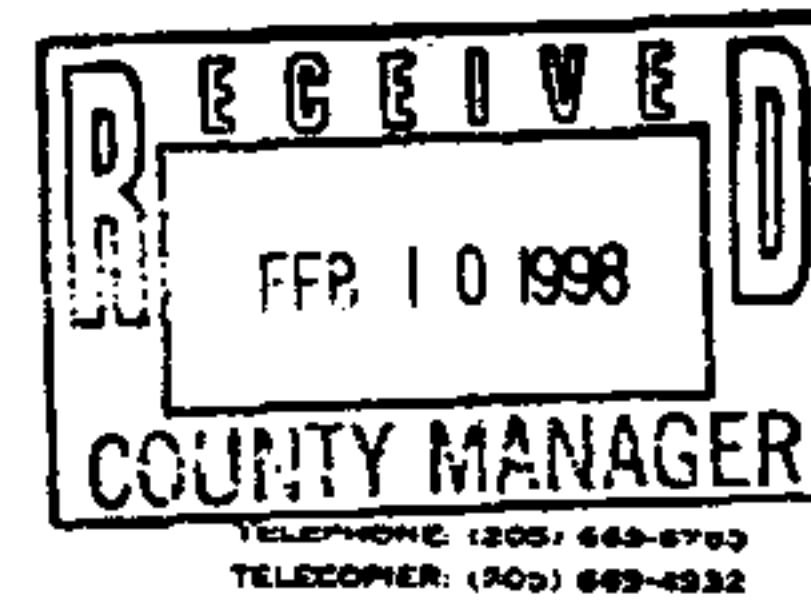
SIGNED FOR IDENTIFICATION:

FOREST PARKS, LLC

By


Its Authorized Representative

WALLACE, ELLIS, FOWLER & HEAD
ATTORNEYS AT LAW
POST OFFICE BOX 587
COLUMBIANA, ALABAMA 35051



FRANK C. ELLIS, JR.
CONRAD M. FOWLER, JR.
J. FRANK HEAD

February 10, 1998

FRANK HEAD (1951-1979)
WALLES W. WALLACE, JR. (1919-1986)

991-6032

Mr. Alex Dudchock, County Manager
Shelby County Commission
P. O. Box 467
Columbiana, Alabama 35051

Mr. Bryson Weygand
K.B. Weygand & Associates, P.C.
P. O. Box 380065
Birmingham, Alabama 35238-0065

Re: Forest Parks

Dear Alex and Bryson:

Look at this document which I have drafted. We can make changes as necessary. I am not sure that this fits all of your agreement. Please discuss and advise.

With every good wish, I am

Yours very truly,

WALLACE, ELLIS, FOWLER & HEAD

Frank C. Ellis, Jr.

FCE:ph
Enc.

Inst # 1998-04998

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-SHELBY COUNTY
*****-MANAGERS OFFICE - *****
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