

RIGHT-OF-WAY DEED FOR SANITARY SEWER

The State of Alabama
SHELBY COUNTY

Inst # 1998-05134

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____

Dollars (\$ _____)

cash in hand paid by The City of Pelham (hereinafter referred to as Grantee), the receipt whereof is hereby acknowledged, we, the undersigned, do hereby grant, bargain, sell and convey unto the said Grantee, its successors and assigns, a right-of-way and easement for sanitary sewer purposes, including the installation and maintenance of sewer pipelines, underground and on the surface, and underground and surface support facilities, including stations, access points, stubouts and manholes, said right-of-way and easement being located in Shelby County, Alabama and described as follows:

Commence at the centerline intersection of Alabama Highway 119 and Southgate Drive as shown on the record map of Southgate Industrial Park Right-of-Way Dedication Plat as recorded in Map Book 20 at Page 98 in the Office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the centerline of Southgate Drive (having a right-of-way 60 feet in width) a distance of 373.77 feet to a point; thence turn a deflection angle to the left of 105° 57' 44" and run in a Southwesterly direction a distance of 31.20 feet to a point on the Southwesterly right-of-way of said Southgate Drive, said point also being the POINT OF BEGINNING of the centerline of a 20-foot easement, 10 feet either side of said centerline, for sanitary sewer; thence continue on the last described course in a Southwesterly direction a distance of 38.37 feet to a point; thence turn a deflection angle to the right of 14° 03' 56" and run in a Southwesterly direction a distance of 368.86 feet to a point, said point being the ENDPOINT of said centerline and said easement.

02/16/1998-05134
12:48 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 HCD 12.00

For the consideration aforesaid, the undersigned do grant, bargain, sell and convey unto said Grantee the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or maintenance of any improvement or obstruction (except fencing) or the placement of spoil or fill dirt or heavy equipment or heavy objects on, over, across or upon said area herein conveyed without the written permission from Grantee.

In consideration of the benefit to the property of the undersigned by reason of the construction of said sewer facility, the undersigned hereby release Grantee, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said sewer facility, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said Grantee that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this 24th day of October, 1997.

WITNESSES:

Cheryl H. Spencer
Cheryl H. Spencer

H. Michael Graham, Agent (SEAL)
Oxmoor II, Inc.
H. Michael Graham, Member (SEAL)
Pebble Partners, L.L.P.

44150-8661 + 1501

The State of Alabama

COUNTY

ROAD Paragon Eng, Inc.

Attn: Chuck Williams

Project No. 0320 Highland Ave
Site 030 35005

Name B Horn, AL 36004

**RIGHT OF WAY DEED
(FOR SANITARY SEWER)**

I, _____

Judge of Probate in and for said State and County,

hereby certify that the within conveyance was filed in

my office at _____

_____ 19____, and

duly recorded in Deed Record _____ page _____

Dated this _____ day of _____

19____

Judge of Probate

The State of Alabama
Jefferson COUNTY

I, the undersigned authority, in and for said County, in said State, hereby certify that H Michael
Graham, Agent for Oxmoor II, Inc

Whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, hereby executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 20th day of October, 1997.

Bileen A McAnnally
Notary Public

The State of Alabama
Jefferson COUNTY

I, the undersigned authority, in and for said County, in said State, hereby certify that H Michael
Graham, Member of Pebble Partners L.L.P.

Whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, hereby executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 20th day of October, 1997.

Bileen A McAnnally
Inst # 1998-05134
Notary Public

The State of Alabama
_____ COUNTY

I, the undersigned authority, in and for said County, in said State, hereby certify that _____

Whose name as President of the _____

a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, 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 _____ day of _____, 19____.

Notary Public

02/16/1998-05134
12:48 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOE MCD 12.00