

return to:

FRANK "BUTCH" ELLIS, JR.  
P. O. BOX 587  
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(205) 669-6783

THIS INSTRUMENT PREPARED BY:

FRANK "BUTCH" ELLIS, JR.  
P. O. BOX 587  
COLUMBIANA, ALABAMA 35051  
(205) 669-6783

**TEMPORARY CONSTRUCTION EASEMENT**

STATE OF ALABAMA )

PROJECT NO. STPBH-7124(3)

TRACT NO. 12

SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, HELENA BAPTIST CHURCH, A CORPORATION, of the County and State aforesaid, in and for the consideration of \_\_\_\_\_, in hand paid by Shelby County, the receipt whereof is hereby acknowledged and for the further consideration of the benefit accruing to us and to the public from the construction or improvement of a public road through our lands, in Shelby County, do hereby give, grant, bargain, sell and convey to Shelby County, its successors or assigns, a Temporary Construction Easement hereinafter described, over and across our said lands in Shelby County, Alabama, for a public road, said temporary easement herein conveyed being more particularly described as follows, and as shown on the sketch attached hereto and made a part hereof by reference, to-wit:

Beginning at a point on the present east right of way line of State Road 261 that is 45 feet easterly of and radial to the Baseline of Survey of State Road 261 at Station 10+82.28; thence southeasterly a distance of 55 feet, more or less, to a point that is 55 feet northerly of and at right angles to the Baseline of Survey of County Road 52 at Station 11+00; thence run easterly, parallel with said baseline of County Road 52, a distance of 75 feet to a point that is 55 feet northerly of and at right angles to said baseline at Station 11+75; thence turn an angle of 90 degrees, right and run southerly a distance of 10 feet to the present north right of way line of County Road 52; thence westerly along said right of way line a distance of 35 feet, more or less, to an offset in said right of way line; thence turn an angle of 90 degrees left and run a distance of 10 feet to the present north right of way line of County Road 52; thence westerly along said right of way line a distance of 70 feet, more or less, to the beginning of an existing right of way flare connecting the present north right of way line of County Road 52 with the present east right of way line of State Road 261; thence northwesterly along said right of way flare a distance of 50 feet, more or less, to the present east right of way line of State road 261; thence northerly a distance of 15 feet, more or less, to the point of beginning. Containing 0.05 acres, more or less.

TO HAVE AND TO HOLD to the said Grantee, its successors, and assigns for a period of three(3) years, or until the completion of said project, whichever is later. Upon completion of said project, all rights, title and interest to said temporary easement shall cease and the Grantee hereby relinquishes same.

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

TO HAVE AND TO HOLD by Shelby County, or its Assigns, and for and in consideration of the benefits to our property by reason of the construction or improvement of said road, we hereby release the County aforesaid, and all of its employees and officers, and the State of Alabama and all its employees and officers from all consequential damages, present or prospective, to our property, arising out of the construction, improvement, maintenance or repair of said road, and that said road is a benefit to our property is hereby admitted and acknowledged. All agreements, covering the moving, relocation and/or changing of the building and/or structures located wholly or partially on the above described right-of-way shall be in writing and approved by the State Department of Transportation before same shall be valid and binding on the said State Department of Transportation. The grantor hereby grants permission with right of ingress and egress to grantor's adjoining property at any time during construction period of project for purpose of moving grantor's buildings and/or structures from the above described right-of-way.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this the 22 day of December, 1998.

WITNESS:

[Signature]

Billy Heater  
CHAIRMAN BOARD OF TRUSTEES

12/23/1998-51285  
11:49 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CRH .00

11:51 1998-51285

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_ COUNTY )

I, \_\_\_\_\_, a Notary Public, in and for said County and State, hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, \_\_\_\_\_ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

ACKNOWLEDGEMENT FOR CORPORATION

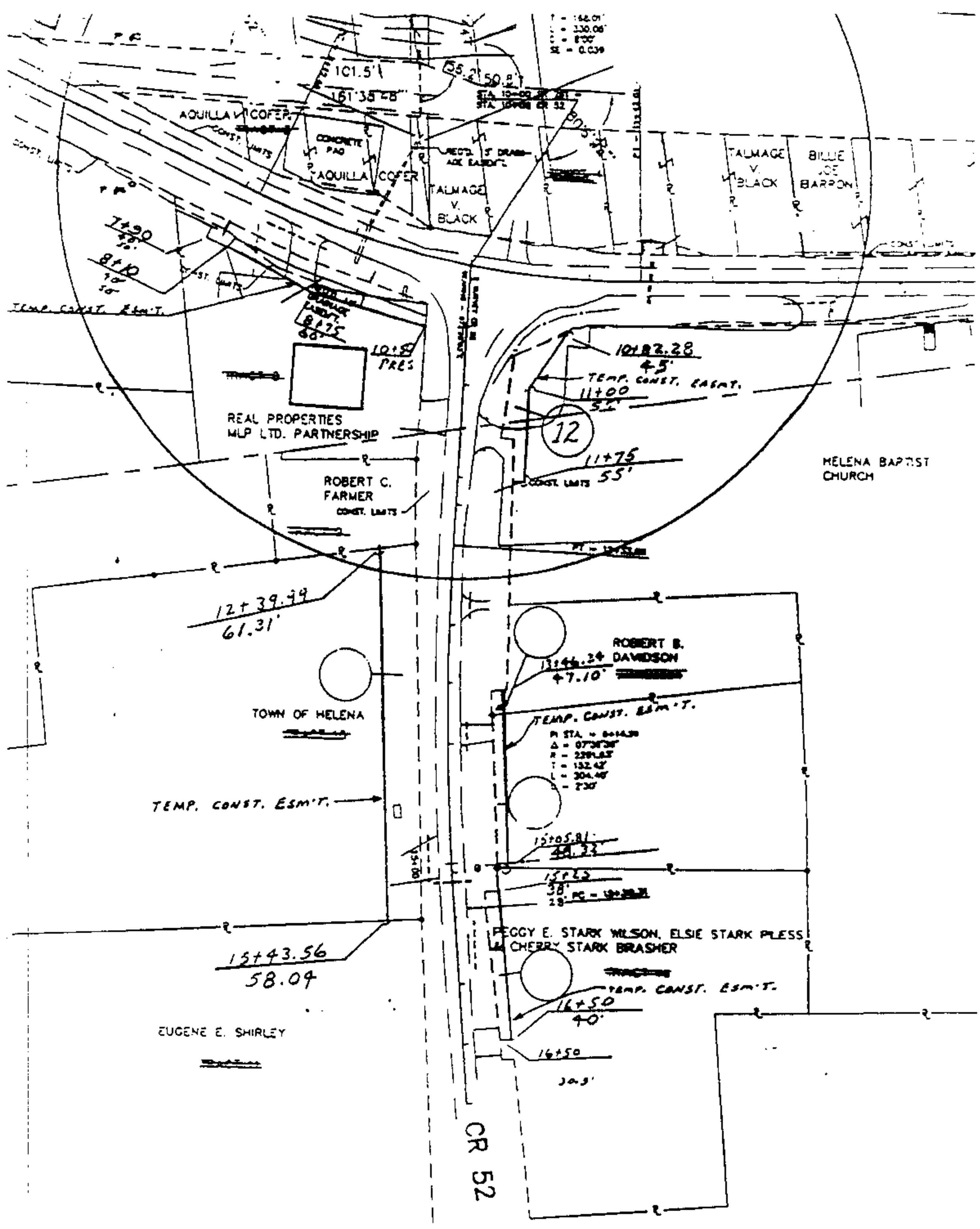
STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, SCOTT HULLADAY, a Notary Public, in and for said County and State, hereby certify that BILLY HEATON, whose name(s) HELENA BAPTIST CHURCH as CHAIRMAN BOARD OF TRUSTEES of the Company, a corporation, is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, HE 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 official seal this 22<sup>nd</sup> day of DECEMBER, 19 98.

Scott Hulladay  
NOTARY PUBLIC

MY COMMISSION EXPIRES: MARCH 18, 2000



HELENA BAPTIST CHURCH

TEMP. CONST. ESM'T. = 0.05 Ac.

Inst # 1998-51285  
 12/23/1998-51285  
 11:49 AM CERTIFIED  
 SNEEDY COUNTY JUDGE OF PROBATE  
 003 CRH .00

PROJECT NO. STPBH-7124(3)

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RIGHT OF WAY MAP SUBMITTED TO F.H.W.A	
PURPOSE	DATE
RIGHT-OF-WAY AUTHORIZATION PROJECT AGREEMENT FINAL CERTIFICATE	