

This Instrument Prepared by Isaac P. Espy  
Espy, Nettles, Scogin and Brantley, P.C.  
2728 Eighth Street  
Tuscaloosa, Alabama 35401

## RIGHT OF WAY

STATE OF ALABAMA

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Ten Dollars and other valuable consideration to **The Heart of Dixie Railroad Museum, Inc.**, the Grantor herein, in hand paid by **Gary Garner**, the Grantee, the receipt whereof is acknowledged, the said Grantor does by these presents Grant, Bargain, Sell and Convey unto the Grantee:

A non-exclusive perpetual easement for a right-of-way, for ingress and egress to the following described property:

Beginning at the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 18, Township 22 South, Range 1 West, Shelby County, Alabama, run thence South  $88^{\circ} 56' 15''$  West along the South line of said Quarter-Quarter a distance of 620.10 feet to a steel rebar corner on the Southeasterly right-of-way of the Heart of Dixie Railroad right-of-way, thence run North  $53^{\circ} 31' 46''$  East along the South right-of-way line of said railroad a distance of 200.54 feet to the Point of Curvature of a curve to the right having a central angle of  $31^{\circ} 27' 08''$  and a radius of 920.34 feet, thence run along the arc of said railroad curve an arc distance of 505.22 feet to a capped steel corner on the East line of said Quarter-Quarter, thence run South  $01^{\circ} 34' 33''$  West a distance of 284.52 feet to the Point of Beginning;

Said easement being described as a fifty feet wide strip (less the part used and to be used for the railroad bed and accessories) on the South side of and on and upon the land and right-of-way of the Grantor, the centerline of which is described as:

Beginning at a point in the centerline of the Heart of Dixie Railroad right-of-way, said point being South  $88^{\circ} 56' 15''$  West of and 706.40 feet from the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 18, Township 22 South, Range 1 West, Shelby County, Alabama; thence North  $53^{\circ} 31' 46''$  East along said centerline of said right-of-way a distance of 326.95 feet to the Point of Curvature of a curve to the right having a central angle of  $40^{\circ} 02' 08''$  and a radius of 970.34 feet, thence run along the arc of said curve an arc distance of 678.03 feet to the Point of Tangency of said curve, thence continue along the centerline of said right-of-way South  $86^{\circ} 26' 06''$  East a distance of 8.07 feet to the Point of Curvature of a curve to the right having a central angle of  $15^{\circ} 48' 49''$  and a radius of 900.00 feet, thence continue along the arc of said curve an arc distance of 248.40 feet to the Point of Tangency of said curve, thence continue along the centerline of said right-of-way South  $70^{\circ} 37' 17''$  East a distance of 318.61 feet to the Point of Curvature of a curve to the left having a central angle of  $10^{\circ} 00' 06''$  and a radius of 400.00 feet, thence continue along the arc of said curve an arc distance of 69.82 feet to the Point of Tangency of said curve, thence continue along the centerline of said right-of-way South  $80^{\circ} 37' 23''$  East a distance of 187.40 feet to the Point of Curvature of a curve to the left having a central angle of  $36^{\circ} 28'$

Inst # 1999-29369

07/13/1999-29369  
02:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 NMS 11.00

11" and a radius of 150.00 feet, thence continue along the arc of said curve an arc distance of 95.48 feet to the Point of Tangency of said curve thence run North 62° 54' 26" East a distance of 10.22 feet to the intersection of the centerline of said railroad right-of-way and the centerline of Shelby County Highway No. 86;

Said easement being appurtenant to and running with the land of the Grantee, his heirs, and assigns, for the use of the land of the Grantee for ingress and egress, and for such utilities, drainage, and other uses to which such right-of-way may be made, including, but not limited to electrical, water, sewer, cable services, and natural gas; provided

Said easement granted herein shall be subject to the use of the Grantor's use of its right-of-way for a railroad and all of its common requirements; and

Said easement granted herein shall be improved, constructed, and maintained solely at the expense of the Grantee, his heirs and assigns, and nothing herein shall prohibit the Grantor, its successors and assigns from any use of the land burdened by this easement so long as the purposes of this easement are not defeated.

To have and to hold to the said Grantee, and to his heirs and assigns forever, together with every contingent remainder and right of reversion.

In Witness Whereof, we have hereto set our hands and seals on this the 12<sup>th</sup> day of July, 1999.

Heart of Dixie Railroad Museum, Inc.

by: H.C. Johnson  
its: V.P.

Inst # 1999-29369

07/13/1999-29369

STATE OF ALABAMA  
SHELBY COUNTY

02:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE

I, the undersigned Notary Public in and for said County in said State, hereby certify that H.C. Johnson, whose name as Vice President of the Heart of Dixie Railroad Museum, Inc., 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 on the day the same bears date.

Given under my hand and official seal this 12 day of July, 1999.

Bobby F. Seaton  
Notary Public STATE OF ALABAMA  
My Commission expires: 8-28-2001