

STATE OF ALABAMA )

SHELBY COUNTY )

DEDICATION OF PERPETUAL EASEMENT FOR PUBLIC SEWER AND WATER

For and in consideration of the Sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to INTERSTATE RESTAURANT INVESTORS, LLP, AN ALABAMA LIMITED LIABILITY PARTNERSHIP, FRANK C. ELLIS, JR., a married man, Benner Investments LLC, McGeever Investments, LLC, Robertson Investments, LLC and Ellis Investments, LLC (collectively "IRI"), Cahaba Valley Station, LLC (Cahaba), National Bank of Commerce (NBC) and Regions Bank (Regions) (collectively herein, IRI, Cahaba, NBC and Regions are referred to as the "Dedicators") by the CITY OF PELHAM, ALABAMA, A MUNICIPAL CORPORATION (hereinafter referred to as "Dedicatee"), the undersigned Dedicators have and do hereby dedicate and grant, bargain, sell and convey to the Dedicatee, a perpetual easement, running with the land, over, across and under the hereinafter described property, dedicated to public use as a sewer and water right-of-way.

Said property dedicated as a public sewer and water easement by this document is more particularly described on Exhibit "A", and is visually depicted as the cross-hatched area as shown on Exhibit "B", both attached hereto and made part and parcel hereof as fully as if set out herein. Said property is also shown as Description IV on Boundary and Easement Map performed by Carr & Associates Engineers, Inc, Dwg. No. 99.1108/23.25-R3, 2/2/2000 revision (The Map). The Map is hereby incorporated by reference herein.

Title to the property described by this easement is expressly and specifically reserved in and to Dedicators, as their interests appear, which such interests are subordinate and subject to the public easement hereby given to Dedicatee for public sewer and water purposes. In the event any portion of the property dedicated by this instrument shall not be used and maintained for any of the stated public purposes, or if any portion of such property shall cease to be used and maintained for such purposes, or if any portion of said property shall be used for other purposes inconsistent with such purposes, then all the right, title and interest in and to the described property and the improvements on such property shall revert to and reinvest in Dedicators, or

f:\pam\iri\pelham.ded

-1-

02/23/2000-05680  
02:31 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
011 SNA 34.00

Inst # 2000-05680

Dedicators' heirs, successors and assigns, as their interests appear.

It is expressly understood and agreed by and between the parties to this instrument that a public sewer and water line will be opened and maintained by Dedicatee for public use over, under and along said property. Dedicators reserve unto themselves, and their respective heirs, successors and assigns the perpetual right to install and maintain curbing and parking spaces, roadways and driveways, to grant easements for ingress, egress and utilities over and across the herein described property and to access such sewer and water lines.

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

The property conveyed herein is not the homestead of Frank C. Ellis Jr. or his spouse.

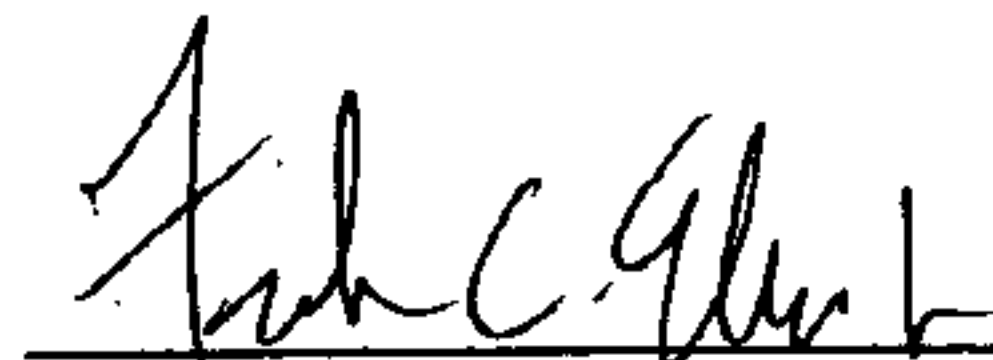
IN WITNESS WHEREOF, we have hereunto set out hands and seals this 22 day of January, 2000.

INTERSTATE RESTAURANT  
INVESTORS, AN ALABAMA LIMITED  
LIABILITY PARTNERSHIP

By: John M. Geever  
John McGeever  
Its: Partner

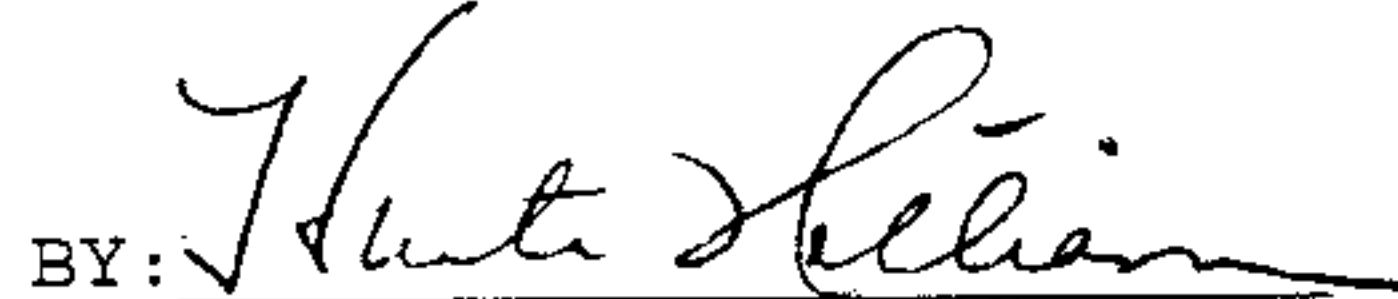
By: John G. Benner  
John G. Benner  
Its: Partner

By: William R. Robertson  
William R. Robertson  
Its: Partner



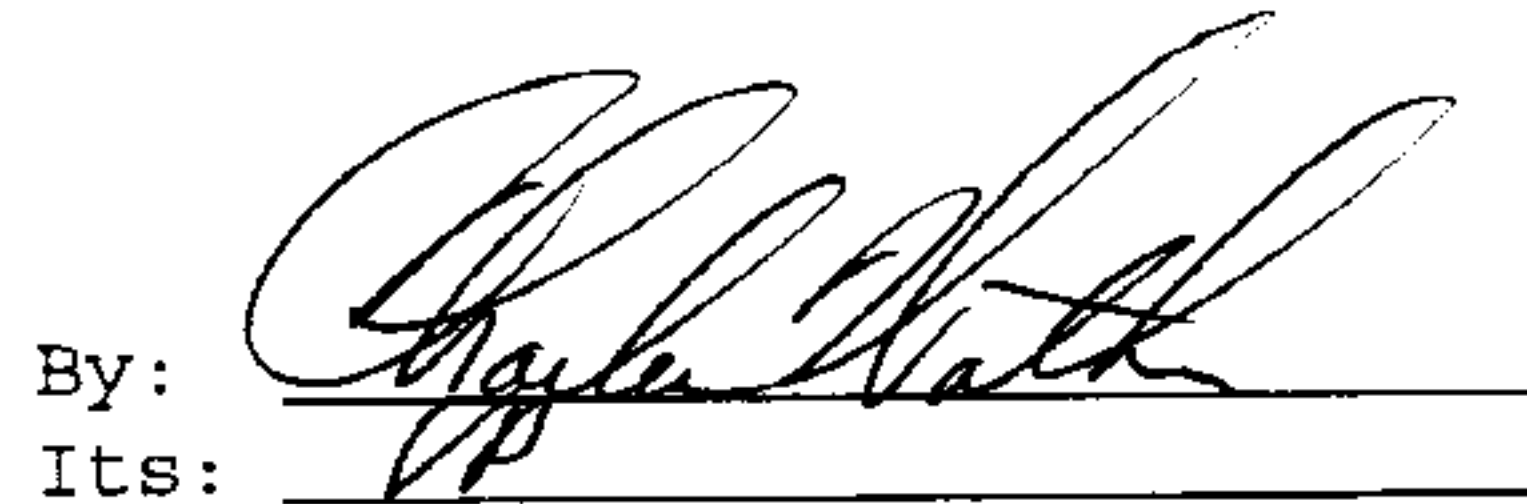
Frank C. Ellis, Jr.,  
Individually

CAHABA VALLEY STATION, LLC

BY: 

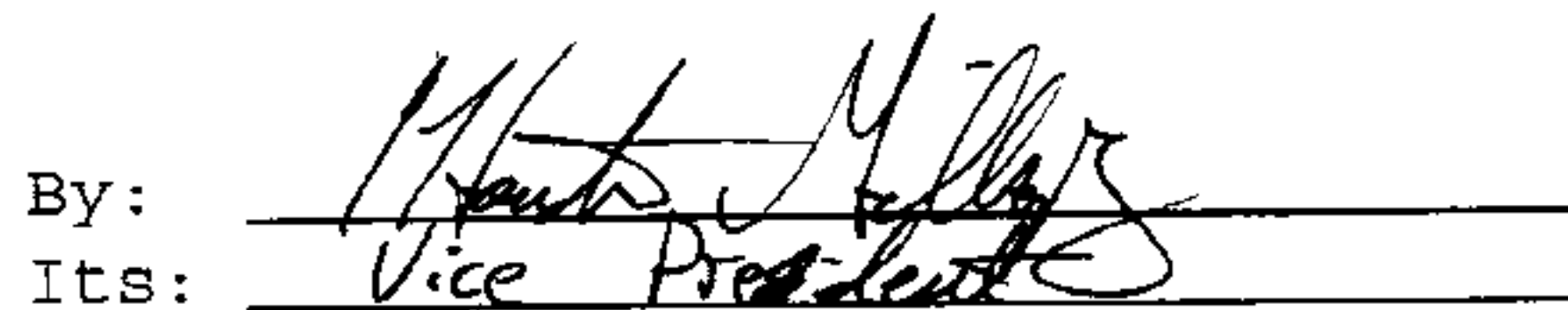
IT'S: MEMBER

REGIONS BANK

By: 

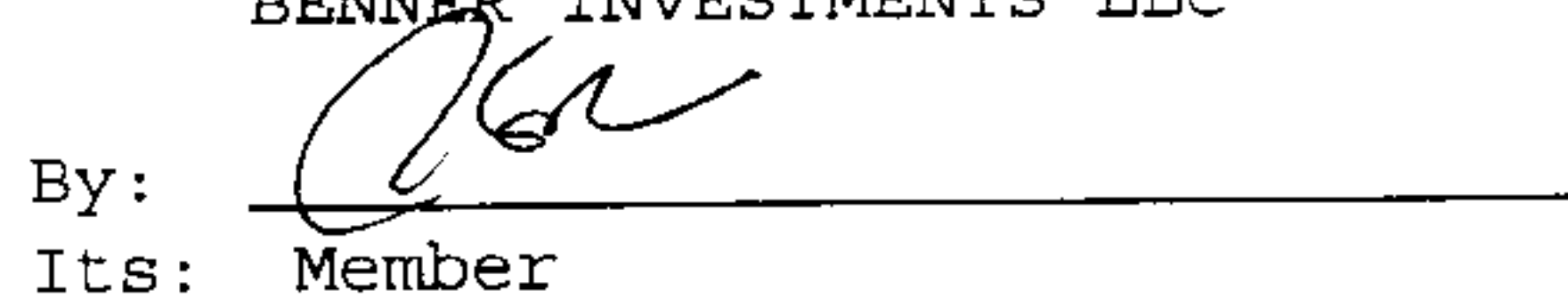
Its:

NATIONAL BANK OF COMMERCE

By: 

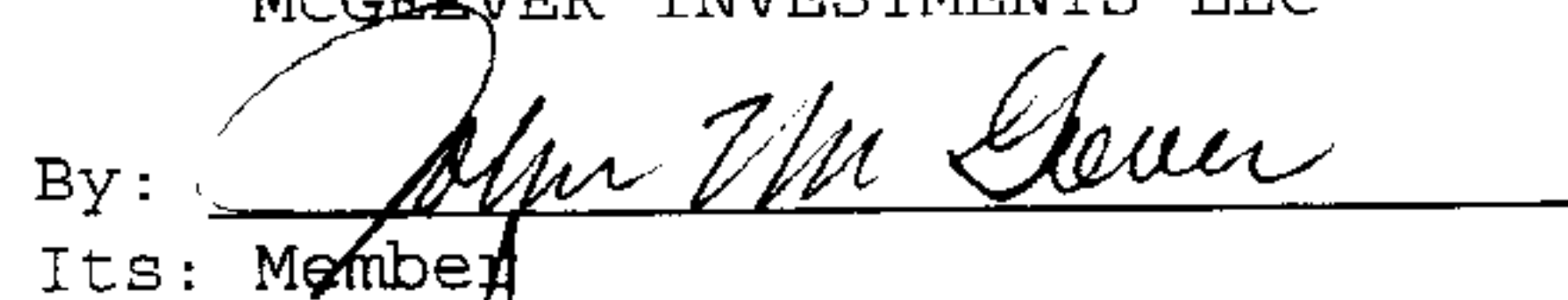
Its:

BENNER INVESTMENTS LLC

By: 

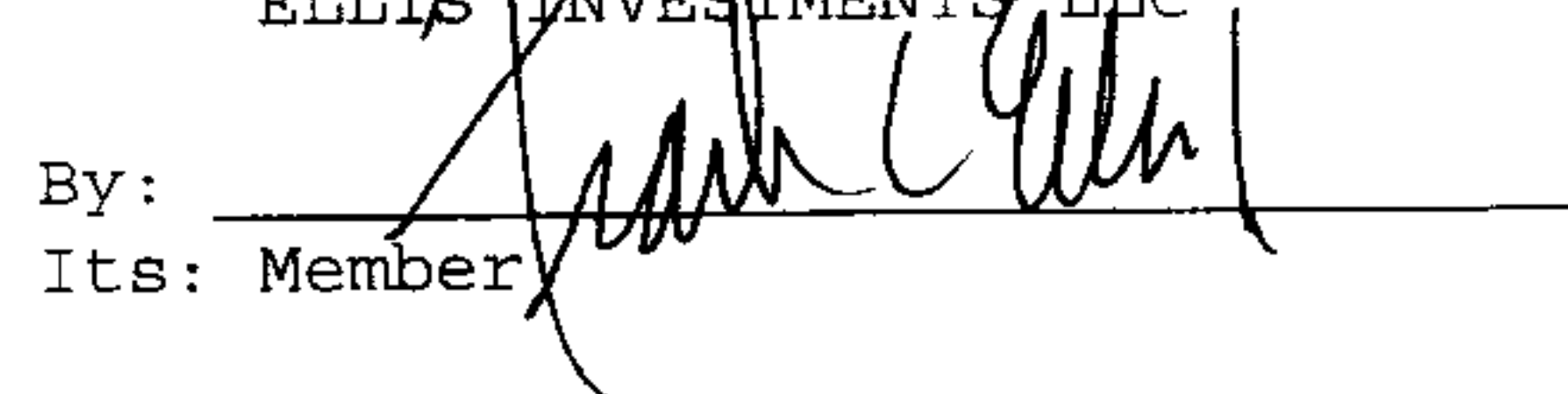
Its: Member

MCGEEVER INVESTMENTS LLC

By: 

Its: Member

ELLIS INVESTMENTS LLC

By: 

Its: Member

ROBERTSON INVESTMENTS LLC

By: William R. Robertson  
Its: Member

THIS DEDICATION IS ACCEPTED:

THE CITY OF PELHAM, ALABAMA,  
A MUNICIPAL CORPORATION

By: Bobby Hayes  
Its: Mayor

ATTEST:

Garry B. Bate  
City Clerk

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JOHN MCGEEVER, JOHN G. BENNER and WILLIAM R. ROBERTSON, whose names as Partners of INTERSTATE RESTAURANT INVESTORS, AN ALABAMA LIMITED LIABILITY PARTNERSHIP, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such Partners and with full authority, executed the same voluntarily for and as the act of said partnership on the day the same bears date.

Given under my hand and seal this 22 day of Feb,  
2000.

[Signature]  
Notary Public  
My Commission Expires 3-1-2002

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that FRANK C. ELLIS, JR., whose name 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 the foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 22 day of February, 2000.

Paula Head  
Notary Public  
My Commission Expires: 2/19/2004

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that CHARLES L. WATKINS, whose name as VICE President of REGIONS BANK, a national banking institution, 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 said instrument, he/she, 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 seal this 22 day of February, 2000.

[Signature]  
Notary Public  
My Commission Expires: 3-1-2002


STATE OF ALABAMA )

COUNTY OF Jefferson )



I, the undersigned, a Notary Public in and for said County in said State, hereby certify that HAUSMAN GILBERT whose name as VP of NATIONAL BANK OF COMMERCE, a banking institution, 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 said instrument, he/she, 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 seal this 22 day of Feb, 2000

  
Notary Public

My Commission Expires: 3.1.2002

STATE OF ALABAMA )

COUNTY OF Jeff )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John G. Benner, whose name as Authorized Member of BENNER INVESTMENTS, 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 said instrument, he/she, as such Authorized Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 22 day of Feb, 2000.

  
Notary Public


My Commission Expires: 3.1.2002

STATE OF ALABAMA )

COUNTY OF Jeff )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John McGeever, whose name as Authorized Member of MCGEEVER INVESTMENTS, 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 said instrument, he/she, as such Authorized Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 22 day of Feb, 2000.

  
\_\_\_\_\_  
Notary Public

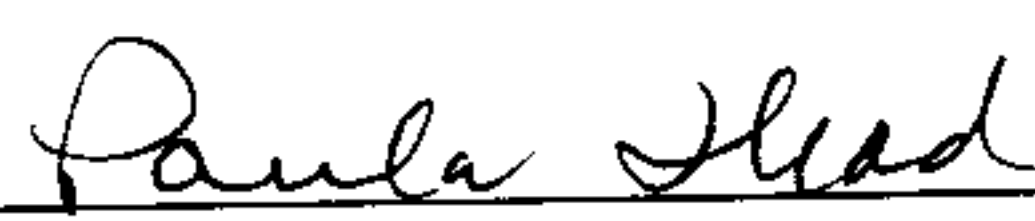
My Commission Expires: 7.1.2002

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Frank C. Ellis, Jr., whose name as Authorized Member of ELLIS INVESTMENTS, 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 said instrument, he/she, as such Authorized Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 22 day of February, 2000.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 2/19/2004

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William R. Robertson whose name as Authorized Member of ROBERTSON INVESTMENTS, 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 said instrument, he/she, as such Authorized Member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 22 day of Feb, 2000.

[Signature]  
Notary Public

My Commission Expires: 3.1.2002

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Bobby Hayes, whose name as Mayor of THE CITY OF PELHAM, ALABAMA, A MUNICIPAL CORPORATION, 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 said instrument, he/she, as such Mayor and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 21st day of February, 2000.

[Signature]  
Notary Public

MY COMMISSION EXPIRES OCTOBER 30, 2000  
My Commission Expires: \_\_\_\_\_



STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Hunter Williams as managing member of Cahaba Valley Station, LLC, whose name 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 22 day of Feb, 2000.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 3.1.2002

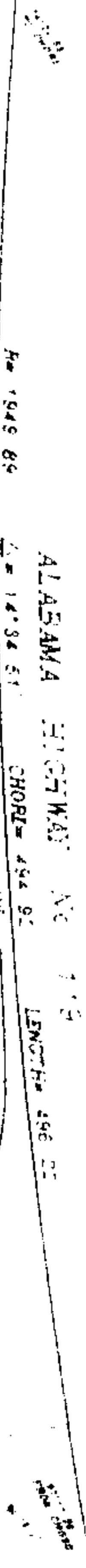
# EXHIBIT 'A'

## SEWER DEDICATION

Commence at the Southeast Corner of the Southwest Quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; thence run Northerly along the Quarter line 506.79 feet; thence left  $121^{\circ}25'36''$  Southwesterly 517.90 feet; thence right  $106^{\circ}46'08''$  Northwesternly 188.10 feet; thence left  $82^{\circ}42'48''$  Westerly 27.00 feet; thence left  $90^{\circ}00'00''$  Southerly 79.46 feet; thence right  $86^{\circ}49'01''$  Westerly 119.18 feet to the Point of Beginning of the centerline of a twenty foot wide sanitary sewer and utility easement; thence continue Westerly along the same course 10 feet to a Point "A"; thence left  $00^{\circ}29'40''$  Westerly 154.35 feet to a Point "B"; thence right  $85^{\circ}55'12''$  Northwesternly 205.00 feet; thence right  $71^{\circ}00'00''$  Northeasterly 73 feet, more or less to the Southerly Right-of-Way line of Alabama Highway No. 119 to the termination of said easement. Also commencing at Point "A" and proceeding to Point "B" as the Point of Beginning of the centerline of a twenty foot wide sanitary sewer and utility easement; thence left  $83^{\circ}45'36''$  Southerly 65.01 feet to a Point "C" at the termination of said easement. It is the intention herein to extend such easement side lines to adjoining easement or property lines to form contiguous and continuous easement rights.

Also Commencing at Point "B" and proceeding to Point "C"; thence right  $90^{\circ}00'00''$  Westerly ten feet to the Point of Beginning; thence continue Westerly along the same course 135.00 feet; thence right  $90^{\circ}00'00''$  Northerly 35.00 feet; thence right  $90^{\circ}00'00''$  Easterly 135.00 feet; thence right  $90^{\circ}00'00''$  Southerly 35.00 feet to the Point of Beginning.

19



Inst # 2000-05680  
02/23/2000-05680  
02:31 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
C11 SNA 34.00