

**This Instrument was prepared by and
upon recording should be returned to:**

Michael M. Partain, General Attorney
U. S. Steel Group Law Department
Fairfield Office - Suite 192
P. O. Box 599
Fairfield, Alabama 35064

**STATE OF ALABAMA)
COUNTY OF SHELBY)**

**CORRECTED EASEMENT FOR
PUBLIC ROAD RIGHT-OF-WAY AND
TEMPORARY CONSTRUCTION EASEMENT**

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of the sum of Ten Dollars (\$10) and other good and valuable consideration paid to **USX CORPORATION**, a Delaware corporation, hereinafter referred to as "Grantor", to the extent of its ownership, hereby grants and conveys upon the terms, conditions, and limitations hereinafter set forth, to the **CITY OF HOOVER, ALABAMA**, a municipal corporation, hereinafter referred to as "Grantee", a perpetual easement for a right-of-way for a public road and a temporary easement for construction activities related thereto, said easements being located over three (3) parcels of land of varying widths situated in the West half of the Southwest quarter of Section 3, Township 19 South, Range 2 West of the Huntsville Principal Meridian, Shelby County, Alabama, said easements granted by Grantor being more particularly described on **EXHIBITS "A-1", "A-2", and "A-3"** and shown on **EXHIBITS "B-1", "B-2", and "B-3"** attached hereto and made a part hereof.

WHEREAS, Grantor heretofore on the 26th day of July, 1999, conveyed to the Grantee an easement for a right-of-way for public road purposes only and an easement for a temporary slope and maintenance area as set forth and shown in that certain easement recorded for record in the Shelby County, Alabama Probate Office in Instrument No. 2000-25988; and

WHEREAS, in the course of access points into and along Caldwell Mill Road adjoining and including the easements conveyed to the Grantee by Instrument No. 2000-25988 it has come to the attention of the Grantor and Grantee that the original legal description set forth in Instrument No. 2000-25988 was defective, contained a legal error and did not accurately describe the easement for a public road and a temporary easement for construction as intended to be conveyed by the Grantor to the Grantee pursuant to Instrument No. 2000-25988; and

**11/28/2000-40741
08:45 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE**

010 WMB 41.50

Inst # 2000-40741

WHEREAS, it is the intent and purpose of the Grantor and Grantee to correct the legal description contained in Instrument No. 2000-25988 to accurately identify and set forth the legal description of the easement for a public road and a temporary easement for construction to be conveyed to Grantee.

NOW THEREFORE, the parties hereto acknowledge and agree that (i) those certain easements granted by Grantor to Grantee by Instrument dated July 26, 1999, and recorded in Instrument No. 2000-25988, in the Probate Office of Shelby County, Alabama, are hereby declared terminated, null, and void as of the date hereof; (ii) that the easements granted herein are being granted in replacement of said easements; and (iii) that Grantee hereby releases any claim against Grantor, its successors and assigns, of all interests in and to the said easements previously granted by said Instrument No. 2000-25988.

TO HAVE AND TO HOLD unto the said Grantee, its successors or assigns, forever; **SUBJECT**, however to the following: such easements as may exist over, under, upon, along, or across said right-of-way for railroads, electric power transmission lines, telephone lines, telegraph lines, pipelines, and public or private roads.

The conveyance of the above mentioned easements is made upon the covenant and condition that no right of action on account of damage to said public road and facilities therefor, or to any structures or facilities constructed on said right-of-way for public road resulting from said past mining and/or gas or oil producing operations shall ever accrue to or be asserted by the Grantee, its successors or assigns, this conveyance being made expressly subject to all such damage either past or future; and this condition shall constitute a covenant running with the land.

As a condition and covenant of the easements granted herein, Grantee covenants and agrees that neither Grantor or any of its affiliated companies shall in any way be liable for any injury or damage whatsoever to persons or property which may result from Grantee's use of the easements conveyed hereunder and/or the lack of safety, latent or patent, of the land upon which said easement herein is granted, and Grantee assumes all risk of personal injury and death of Grantee's employees, and/or property damage of the Grantee and its employees from Grantee's use of said easements.

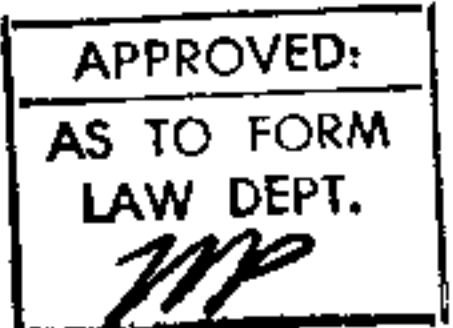
This conveyance is made upon the further covenant and condition that the easements herein granted shall terminate and be extinguished and revert to Grantor, its successors and assigns, automatically in the event of the abandonment of the use of said right-of-way for public road purposes during a continuous period of twelve (12) months.

This conveyance is made upon the further covenant and condition that the temporary easement for construction activities herein granted shall terminate and be extinguished and revert automatically to Grantor, its successors and assigns, upon the earlier of (i) the date of completion of construction of said public road or (ii) August 31, 2001.

IN WITNESS WHEREOF, the parties hereto have caused these present to be executed in duplicate and their seals to be hereunto affixed by their respective officers thereunto duly authorized on this, the 20th day of September, 2000.

GRANTOR:

USX CORPORATION



ATTEST:

By: Michael Martin

Title: Assistant Secretary

By: Thomas E. Howard

Title: General Manager - Southeast
USX Realty Development,
a Division of U. S. Steel Group,
USX Corporation

GRANTEE:

CITY OF HOOVER, ALABAMA

ATTEST:

By: Linda Cunniff

Title: City Clerk

By: G. L. Shuelett

Title: Mayor

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, Michael M. Partain, a Notary Public in and for said County, in said State, hereby certify that Thomas G. Howard, whose name as General Manager - Southeast of USX Realty Development, a Division of U. S. Steel Group, USX Corporation, a Delaware 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, in such capacity and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this, the 20th day of September, 2000.

Michael M. Partain
Notary Public

[SEAL]

My Commission Expires 2-25-01

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, Tanessa C. Bradstreet, a Notary Public in and for said County, in said State, hereby certify that Brian J. Skelton whose name as Mayor of the City of Hoover, 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, in his/her capacity as such Mayor executed the same voluntarily for and as the act of said municipal corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this, the 19th day of September, 2000.

Tanessa C. Bradstreet
Notary Public

[SEAL]

My Commission Expires April 28, 2002

PARCEL 1 OF 3

Tract of land for a public road situated in the SW-1/4 of the SW-1/4 of Section 3, Township 19 South, Range 2 West of the Huntsville Principal Meridian, and being more particularly described as follows:

Commence at the SE corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 3, Township 19 South, Range 2 West and run westerly along the South line of said quarter-quarter section, 214.37 feet, more or less, to the POINT OF BEGINNING of the herein described tract of land; thence continue along the last described course 43.68 feet to a point on the East right-of-way line of a public road (Caldwell Mill Road) conveyed by United States Steel Corporation to Shelby County, Alabama, on October 30, 1965, as recorded in the Shelby County Judge of Probate Office in Volume 233, pages 700 - 703; thence right $52^{\circ}-03'-45''$ and run Northwesterly along said right-of-way line 186.26 feet to the point of curve of a curve to the right having a central angle of $18^{\circ}-49'-13''$ and a radius of 1860.08 feet; thence along the arc of said curve and East right-of-way line in a Northwesterly direction 610.98 feet; thence right $90^{\circ}-00'-00''$ radially and run Northeasterly 34.45 feet to a point on a curve of a curve to the left having a central angle of $18^{\circ}-49'-13''$ and a radius of 1825.63 feet; thence right and run Southeasterly along the arc of last said curve 599.67 feet to the point of tangent; thence continue in the tangent in a Southeasterly direction 213.11 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT "A-1"

PARCEL 2 OF 3

Commence at the NW corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 3, Township 19 South, Range 2 West and run westerly along the North line of said quarter-quarter section, 563.85 feet, more or less, to the East right-of-way of a public road (Caldwell Mill Road) conveyed by United States Steel Corporation to Shelby County, Alabama, on October 30, 1965, as recorded in the Shelby County Judge of Probate Office in Volume 233, pages 700 - 703; thence left $82^{\circ}-52'-22''$ and run Southerly along said East right-of-way line 114.91 feet; thence left $90^{\circ}-42'-08''$ and run Easterly along said right-of-way line 9.95 feet to the POINT OF BEGINNING of the herein described tract of land; thence continue along last described course 30.0 feet; thence right $90^{\circ}-28'-09''$ and run Southerly and parallel to said East right-of-way line 1007.58 feet; thence left $87^{\circ}-56'-08''$ and run Westerly 19.76 feet to a point on the East right-of-way line of Caldwell Mill Road; thence right $91^{\circ}-54'-46''$ and run Northerly along said right-of-way line 257.88 feet; thence left $88^{\circ}-05'-05''$ and run Westerly along said right-of-way line 9.57 feet; thence right $88^{\circ}-14'-11''$ and run Northerly along said right-of-way line 749.87 feet, more or less, to the POINT OF BEGINNING.

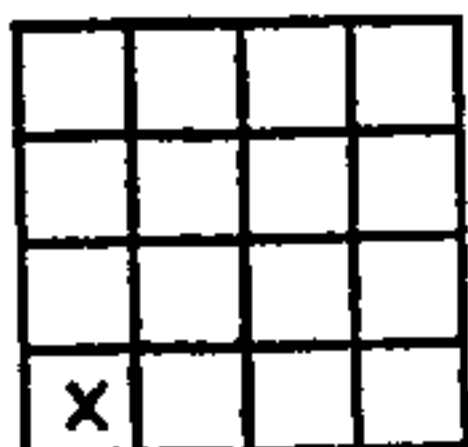
EXHIBIT "A-2"

PARCEL 3 OF 3

Tract of land for public road situated in the NW-1/4 of the SW-1/4 of Section 3, Township 19 South, Range 2 West of the Huntsville Principal Meridian, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NW corner of the NW-1/4 of the SW-1/4 of Section 3, Township 19 South, Range 2 West and run Easterly along the North line of said quarter-quarter section, 666.0 feet, more or less, to the West right-of-way line of a public road (Caldwell Mill Road) conveyed by United States Steel Corporation to Shelby County, Alabama, on October 30, 1965, as recorded in the Shelby County Judge of Probate Office in Volume 233, pages 700 - 703; thence right 96°-51'-45" and run Southwesterly along said right-of-way line 104.83 feet to the POINT OF BEGINNING of the herein described tract of land; thence left 90°-00'-00" and run Easterly along said right-of-way line 10.0 feet; thence right and run Southwesterly along said right-of-way line 274.16 feet to a point on the North right-of-way of a public road (Altadena Woods Drive) as conveyed by United States Steel Corporation to Shelby County, Alabama, May 12, 1986; thence right 89°-56'-44" and run Northwesterly along last said right-of-way line 40.0 feet; thence right 90°-03'-15" and run Northeasterly 274.2 feet; thence right and run Southeasterly 30.0 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT "A-3"


 S 3 T 19 S R 2 W

PARCEL 1 of 3

HEATHERWOOD
DRIVE

E CALDWELL MILL ROAD

RADIAL 34.45'

599.67'

$\Delta = 18^{\circ} 49' - 13''$
 $R = 1860.08'$
 $A = 610.98'$
 $C = 608.25'$
 $T = 308.27'$

610.98'

RIGHT OF WAY FOR PUBLIC
 ROAD GRANTED BY USX
 CORPORATION TO THE
 CITY OF HOOVER, ALABAMA
 BY DOCUMENT ATTACHED
 HERETO

SW CORNER

1003.8'

50'

P.C.

P.T.

40'

50'

186.26'

213.11'

$52^{\circ} 03' - 45''$

63.4'

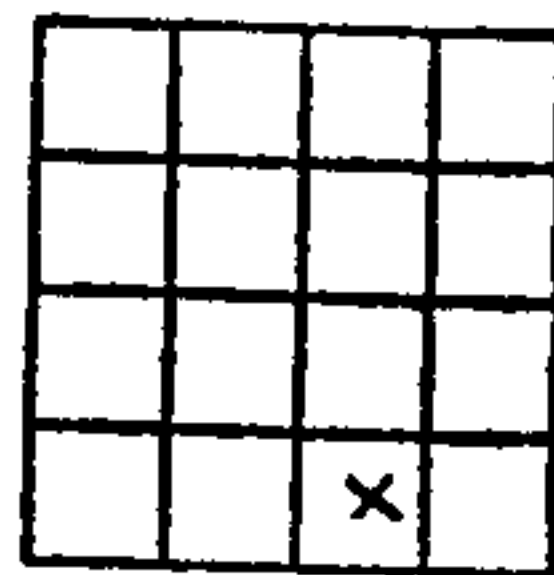
43.68'

214.37'

SE CORNER
 SW 1/4 of SW 1/4
 S 3 - T 19 S - R 2 W

EXHIBIT "B-1"

083000USXED



S₃ Trs R_{2w}

PARCEL 3 OF 3

EXHIBIT "B-3"

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