

RECORDING REQUESTED BY, AND )  
WHEN RECORDED RETURN TO: )

Charles L. Wood )  
Kritzer & Levick, P.C. )  
6400 Powers Ferry Rd., Ste. 200 )  
Atlanta, Georgia 30339 )

RE: Pelham, AL Development )

(Space Above for Recorder's Use)

**MEMORANDUM OF DEVELOPMENT AGREEMENT**

03/21/2002-13467 # 2002-13467  
04:02 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
013 CH 50.00

THIS MEMORANDUM OF DEVELOPMENT AGREEMENT dated as of this 20<sup>th</sup> day of March, 2002, is made and entered into by and by and among **SOUTHMARK PROPERTIES, L.L.C.**, an Alabama limited liability company and **INTERSTATE RESTAURANT INVESTORS, L.L.P.**, an Alabama limited liability partnership, d/b/a Highway 52 T.I.C. (hereinafter collectively referred to as "Developer"); and **HOME DEPOT U.S.A., INC.**, a Delaware corporation (hereinafter, "HD").

1. HD is the owner of certain real property consisting of approximately 11.02 acres located in the city of Pelham, Shelby County, Alabama, more particularly described on **Exhibit "A"** attached hereto and made a part hereof ("HD's Parcel").
2. Developer remains the owner of certain parcels of adjoining land more particularly described on **Exhibit "B"** attached hereto and made a part hereof (collectively, "Developer's Parcel").
3. HD and Developer intend to perform certain development work to improve HD's Parcel and Developer's Parcel to meet governmental requirements and permit HD's proposed development of a retail store. HD and Developer further intend to provide for the design and construction of a new connector road, utilities and other on and off site improvements, more particularly described in that certain development agreement entered into by HD, Developer and Escrow Agent (the "Development Agreement") to benefit HD's Parcel and Developer's Parcel.
4. **Easements Granted to HD.** Pursuant to the Development Agreement, Developer has granted HD certain easements over the Developer's Parcel,

including construction easements and rights of ingress and egress, all of which rights are more particularly described in the Development Agreement.

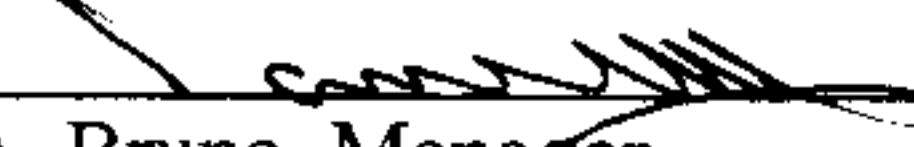
5. **Self Help; Lien Rights in Favor of HD.** Reference is particularly made to Section 8(b) of the Development Agreement wherein in the event of a default by Developer in the performance of the work, HD may, in addition to exercising such other rights and remedies as are provided therein and as are provided at law or in equity, perform the work to cure Developer's default, in which case HD shall be and is hereby granted lien rights over Developer's Parcel.
6. **Security Interest in Favor of HD.** Developer has as of even date herewith granted and conveyed to HD a security interest and mortgage (the "Mortgage") in Developer's Parcel exclusive of the portion thereof designated on Exhibit "B" as the "TIC Parcel" as security for the performance of Developer's obligations hereunder and under the Easement Agreement and the repayment of sums expended by HD in performance of Developer's obligations, all in accordance with the laws of the State of Alabama. Upon request by HD, Developer shall execute any and all further instruments required by HD to memorialize, perfect or further effectuate the grant of the security interest and mortgage in such portion of Developer's Parcel created by the Mortgage. Upon complete satisfaction by Developer of its obligations under this Agreement, HD agrees to cancel the Mortgage in such portion of Developer's Parcel created by this Development Agreement and/or such other instruments. In addition, HD shall have a lien on Developer's Parcel for sums expended by HD in performance of Developer's obligations all in accordance with the mechanics and materialmen lien laws of the State in which HD's Parcel is located. Developer hereby grants to HD such temporary construction easements over, under, through and across such portions of Developer's Parcel as may be necessary or appropriate to enable HD to pursue the Site Work to completion in the event HD elects to perform the Site Work as provided in the Development Agreement.
7. **Purpose of Memorandum of Development Agreement.** This Memorandum of Development Agreement is prepared for the purposes of recording and to give public notice of the obligations of the owner of Developer's Parcel and HD's rights pursuant to the Development Agreement, and in no way modifies the express and particular provisions of the Development Agreement.
8. **Successors and Assigns.** It is the intention of Developer and HD that the rights granted to HD pursuant to the Development Agreement shall inure to the benefit of HD and its successors and assigns, and that any mortgage, lien and/or security interest placed on Developer's Parcel pursuant to the Development Agreement shall be binding upon and shall burden Developer's Parcel.

IN WITNESS WHEREOF this Memorandum of Development Agreement has been executed by and through the duly authorized officers of Developer and HD, and the seals of said parties have been affixed hereto, as of the day and year first above written.

**Developer:**

**Southmark Properties, L.L.C., and Interstate Restaurant Investors, L.L.P. collectively, d/b/a Highway 52 T.I.C.**

**Southmark Properties, L.L.C.**

By:   
James A. Bruno, Manager


**Interstate Restaurant Investors, L.L.P.**

By:   
John McGeever, Partner

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that James A. Bruno, whose name as Manager of Southmark Properties, L.L.C., 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 20<sup>th</sup> day of March, 2002.

  
NOTARY PUBLIC  
My commission expires: 10-27-2003

STATE OF ALABAMA )  
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that John McGeever, whose name as Partner of Interstate Restaurant Investors, L.L.P., an Alabama limited liability partnership, 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this 20<sup>th</sup> day of March, 2002.

  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

HD:

Home Depot U.S.A., Inc.

Witness Ivelisse Guadalupe

By: Jeff Israel

Its: Jeff Israel

Senior Corporate Counsel - Real Estate

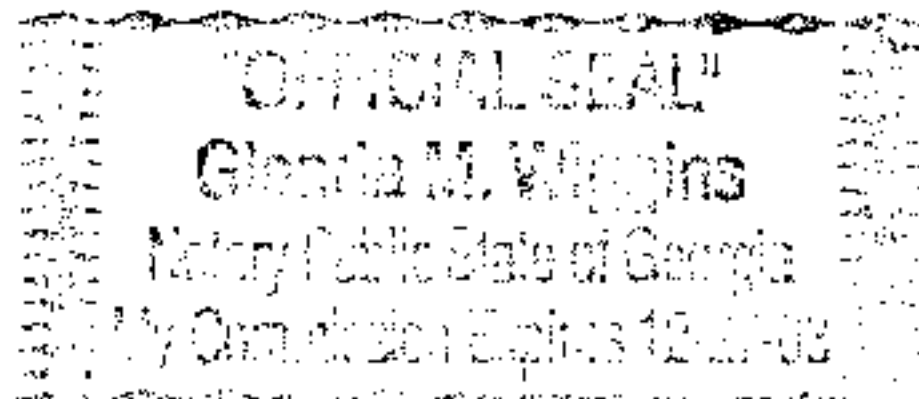
Printed Name: **IVELISSE GUADALUPE**

UBN EAC 3.5.02

STATE OF Georgia )  
Cobb COUNTY )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Jeff Israel whose name as SE. CORP. COUNSEL - RE of Home Depot U.S.A., Inc., 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, s/he executed the same voluntarily for and as the act of said Corporation.

GIVEN under my hand this the 5<sup>th</sup> day of March, 2002.



Glenda M. Wiggins  
NOTARY PUBLIC

My Commission Expires: 12/27/03

(Signatures Continued on Next Page)



**CONSENT, JOINDER AND SUBORDINATION  
OF LENDER**

The undersigned, **COMPASS BANK** ("Lender"), is the owner and holder of that certain Mortgage from **SOUTHMARK PROPERTIES, L.L.C.**, an Alabama limited liability company and **INTERSTATE RESTAURANT INVESTORS, L.L.P.**, an Alabama limited liability partnership, d/b/a Highway 52 T.I.C. (the "Security Deed") dated December 28, ~~1992~~<sup>2000</sup>, which is recorded in the records of Shelby County, Alabama, in Instrument Number 2001-<sup>10124</sup>, as the same may have been further amended (the "Security Deed").

Lender, as the owner and holder of the Security Deed, hereby joins in, consents to and subordinates the Security Deed to, the foregoing

COMPASS BANK, a \_\_\_\_\_

By: Martin R. Brown  
Its: Vice President

(BANK SEAL)

STATE OF ALABAMA                   )  
JEFFERSON COUNTY                )

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that Martin R. Brown, whose name as Vice Pres. of Compass Bank, an Alabama Banking Corp., 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal this 20<sup>th</sup> day of March, 2002.

NOTARY PUBLIC

My commission expires:

Janice M. Sherry

10-27-2003

## **EXHIBIT "A"**

### **HD PARCEL**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 512.45 feet to the existing easterly right of way of U. S. Highway # 31, said point being a point on a curve having a radius of 1,650.00 feet and a central angle of 6 deg. 55 min. 35 sec., said curve subtended by a chord bearing South 0 deg. 40 min. 15 sec. East and a chord distance of 199.34 feet; thence southerly along the arc and along said existing right of way a distance of 199.47 feet; thence South 73 deg. 16 min. 36 sec. East and leaving said existing right of way a distance of 8.07 feet to a point on the proposed easterly right of way of U. S. Highway # 31 and to the Point of Beginning; thence South 01 deg. 46 min. 13 sec. West along said proposed right of way a distance of 83.20 feet to its point of intersection with the existing easterly right of way of said U. S. Highway # 31; thence continue on last described course 76.99 feet; thence South 07 deg. 55 min. 06 sec. West along said proposed right of way a distance of 297.59 feet; thence South 37 deg. 48 min. 07 sec. East along said proposed right of way a distance of 5.45 feet to the intersection of said proposed Highway # 31 right of way and the existing northerly right of way of Shelby County Highway # 52; thence South 37 deg. 48 min. 07 sec. East and leaving said proposed Highway # 31 right of way and along said existing Highway # 52 right of way a distance of 95.02 feet to a point of a curve to the left having a radius of 703.94 feet and a central angle of 08 deg. 23 min. 52 sec. said curve subtended by a chord bearing South 42 deg. 00 min. 04 sec. East and a chord distance of 103.09 feet; thence southeasterly along the arc and along said existing right of way a distance of 103.18 feet to the intersection of said existing right of way and the proposed Shelby County Highway # 52 right of way; thence North 37 deg. 50 min. 51 sec. East along said proposed right of way and leaving existing right of way a distance of 25.46 feet to the beginning of a curve to the left having a central angle of 3 deg. 26 min. 06 sec., a radius of 800.00 and subtended by a chord which bears South 52 deg. 02 min. 51 sec. East a chord distance of 47.96 feet; thence along said curve and along said proposed ROW line a distance of 47.96 feet to the point of intersection of said proposed ROW line and the existing Northerly ROW line of said Shelby County Road # 52; thence leaving said proposed ROW line along said existing ROW line North 39 deg. 58 min. 50 sec. East a distance of 11.30 feet to the point of beginning of a curve to the left having a central angle of 8 deg. 17 min. 39 sec., a radius of 663.94 feet and subtended by a chord which bears South 54 deg. 09 min. 59 sec. East a chord distance of 96.03 feet; thence along said curve and along said existing ROW line a distance of 96.11 feet to the point of intersection of said existing ROW line and said proposed ROW line of Shelby County Road # 52, said point also being the beginning of a curve to the left having a central angle of 14 deg. 51 min. 13 sec., a radius of 800.00 feet and subtended by a chord which bears South 71 deg. 43 min. 30 sec. East a chord distance of 206.81 feet; thence along said curve and along said proposed ROW line and leaving said existing ROW line a distance of 207.39 feet to the end of said curve; thence South 79 deg. 09 min. 06 sec. East and continuing along said proposed ROW line a distance of 66.05 feet to a point of curve to the left having a central angle of 82 deg. 23 min. 52 sec. and a radius of 25.00



feet, said curve subtended by a chord bearing North 61 deg. 23 min. 59 sec. East and a chord distance of 32.93 feet; thence northeasterly along the arc and along said proposed right of way a distance of 35.95 feet to the intersection of said proposed right of way and the existing westerly right of way of Shelby County Highway # 33 also a point of curve to the left having a radius of 791.34 feet and a central angle of 03 deg. 14 min. 03 sec., said curve subtended by a chord bearing North 18 deg. 35 min. 02 sec. East and a chord distance of 44.66 feet; thence northerly along the arc and leaving said proposed Highway # 52 right of way and along said existing Highway # 33 right of way a distance of 44.67 feet; thence North 16 deg. 43 min. 24 sec. East along said existing right of way a distance of 667.69 feet to the intersection of said existing Highway # 33 right of way and the southerly right of way of proposed City of Pelham Street said point also a point of curve to the left having a radius of 45.00 feet and a central angle of 90 deg. 00 min. 00 sec. said curve subtended by a chord bearing North 28 deg. 16 min. 36 sec. West and a chord distance of 63.64 feet; thence northwesterly along the arc and leaving said existing Highway # 33 right of way and along said proposed right of way a distance of 70.69 feet; thence North 73 deg. 16 min. 36 sec. West along said proposed right of way a distance of 86.39 feet to a point of a curve to the left having a radius of 450.00 feet and a central angle of 05 deg. 45 min. 09 sec. said curve subtended by a chord bearing North 76 deg. 09 min. 10 sec. West and a chord distance of 45.16 feet; thence westerly along the arc and along said proposed right of way a distance of 45.18 feet; thence North 79 deg. 01 min. 44 sec. West along said proposed right of way a distance of 405.96 feet; thence South 16 deg. 43 min. 24 sec. West and leaving said proposed right of way a distance of 163.83 feet; thence North 73 deg. 16 min. 36 sec. West a distance of 122.45 feet to the Point of Beginning; being situated in Shelby County, Alabama.

#### **AND PARCEL "A":**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 326.28 feet to a point lying on the westerly right of way line of Shelby County Highway # 33 (80' ROW); thence South 12 deg. 43 min. 00 sec. West, along said right of way line a distance of 41.58 feet; thence South 14 deg. 35 min. 24 sec. West, along said right of way line a distance of 136.71 feet; thence South 14 deg. 26 min. 26 sec. West along said right of way line a distance of 134.61 feet; thence South 16 deg. 53 min. 24 sec. West, along said right of way line a distance of 11.59 feet; thence South 16 deg. 43 min. 24 sec. West, along said right of way line a distance of 732.85 feet to the beginning of a curve to the right having a radius of 791.34 feet, a central angle of 3 deg. 14 min. 03 sec. being subtended by a chord which bears South 18 deg. 35 min. 02 sec. West, a chord distance of 44.66 feet; thence along the arc of said curve a distance of 44.67 feet to the Point of Beginning; thence continue along arc of said curve through a central angle 7 deg. 49 min. 05 sec., a chord bearing South 24 deg. 06 min. 35 sec. West, a chord distance of 107.89 feet, along said right of way line a distance of 107.98 feet to the intersection of said right of way line and the northerly right of way line of Shelby County Highway # 52 (ROW varies); thence, leaving said right of way line of Shelby County Highway # 33 and along said right of way line of Shelby County Highway # 52, North 73 deg. 08 min. 32

sec. West, along said right of way line a distance of 66.81 feet; thence North 14 deg. 32 min. 22 sec. East, along said right of way line a distance of 59.90 feet; thence North 73 deg. 20 min. 32 sec. West, along said right of way line a distance of 49.43 feet to the beginning of a curve to the right having a radius of 663.94 feet, a central angle of 14 deg. 15 min. 11 sec., and subtended by a chord which bears North 65 deg. 26 min. 24 sec. West, a chord distance of 164.74 feet, and along said right of way line a distance of 165.16 feet to the beginning of a non-tangent curve to the left having a radius of 800.00 feet, a central angle of 14 deg. 51 min. 13 sec. and subtended by a chord which bears South 71 deg. 43 min. 30 sec. East, a chord distance of 206.81 feet; thence leaving said right of way line and along the arc of said curve a distance of 207.39 feet; thence South 79 deg. 09 min. 06 sec. East a distance of 66.05 feet to the beginning of a curve to the left having a radius of 25.00 feet, a central angle of 82 deg. 23 min. 52 sec., and subtended by a chord which bears North 61 deg. 23 min. 59 sec. East, a chord distance of 32.93 feet; thence along the arc of said curve a distance of 35.95 feet to the Point of Beginning; being situated in Shelby County, Alabama.

#### **AND PARCEL "C":**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 326.28 feet to a point lying on the westerly right of way line of Shelby County Highway # 33 (80' ROW); thence South 12 deg. 43 min. 00 sec. West, along said right of way line a distance of 41.58 feet; thence South 14 deg. 35 min. 24 sec. West, along said right of way line a distance of 136.71 feet; thence South 14 deg. 26 min. 26 sec. West along said right of way line a distance of 134.61 feet; thence South 16 deg. 53 min. 24 sec. West, along said right of way line a distance of 11.59 feet; thence South 16 deg. 43 min. 24 sec. West, along said right of way line a distance of 732.85 feet to the beginning of a curve to the right having a radius of 791.34 feet, a central angle of 3 deg. 14 min. 03 sec. being subtended by a chord which bears South 18 deg. 35 min. 02 sec. West, a chord distance of 44.66 feet; thence along the arc of said curve and along said ROW line a distance of 44.67 feet; thence continue along arc of said curve through a central angle 7 deg. 49 min. 05 sec., a chord bearing South 24 deg. 06 min. 35 sec. West, a chord distance of 107.89 feet, along said right of way line a distance of 107.98 feet to the intersection of said right of way line and the northerly right of way line of Shelby County Highway # 52 (ROW varies); thence, leaving said right of way line of Shelby County Highway # 33 and along said right of way line of Shelby County Highway # 52, North 73 deg. 08 min. 32 sec. West, along said right of way line a distance of 66.81 feet; thence North 14 deg. 32 min. 22 sec. East, along said right of way line a distance of 59.90 feet; thence North 73 deg. 20 min. 32 sec. West, along said right of way line a distance of 49.43 feet to the beginning of a curve to the right having a radius of 663.94 feet, a central angle of 14 deg. 15 min. 11 sec., and subtended by a chord which bears North 65 deg. 26 min. 24 sec. West, a chord distance of 164.74 feet, thence along said right of way line a distance of 165.16 feet; thence continue along the arc of said curve through a central angle of 8 deg. 17 min. 39 sec., having a chord bearing of North 54 deg. 09 min. 59 sec. West, a chord distance of 96.03 feet; thence along the arc of said curve and along



said right of way a distance of 96.11 feet; thence South 39 deg. 58 min. 50 sec. West, along said right of way line a distance of 11.30 feet to the Point of Beginning; thence continue along last described course, and along said right of way line a distance of 28.70 feet to beginning of a non-tangent curve to the right having a radius of 703.94 feet, a central angle of 3 deg. 49 min. 10 sec., and subtended by a chord which bears North 48 deg. 6 min. 35 sec. West, a chord distance of 46.92; thence along the arc of said curve and along said right of way line a distance of 46.93; thence, leaving said right of way line, North 37 deg. 50 min. 51 sec. East a distance of 25.46 feet to the beginning of a non-tangent curve to the left having a radius of 800.00 feet, a central angle of 3 deg. 26 min. 06 sec., and subtended by a chord which bears South 52 deg. 02 min. 51 sec. East, a chord distance of 47.96 feet; thence along the arc of said curve a distance of 47.96 feet to the Point of Beginning; being situated in Shelby County, Alabama.

**AND PARCEL "2B":**

Commence at the Northwest corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1,669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 512.45 feet to the existing Easterly right of way line of U. S. Highway # 31, said point also being a point on a curve to the right having a radius of 1,650.00 feet and a central angle of 6 deg. 55 min. 35 sec., said curve subtended by a chord bearing South 0 deg. 40 min. 15 sec. East and a chord distance of 199.34 feet; thence southerly along the arc and along existing ROW a distance of 199.47 feet to the Point of Beginning; thence South 73 deg. 16 min. 36 sec. East and leaving said existing ROW line a distance of 8.07 feet to a point lying on the proposed Easterly ROW line of U. S. Highway # 31; thence South 1 deg. 46 min. 13 sec. West along said proposed ROW line a distance of 83.20 feet to its point of intersection with the existing Easterly ROW line of said U. S. Highway # 31; thence North 84 deg. 16 min. 16 sec. West and leaving said proposed ROW line along said existing ROW line a distance of 11.53 feet to the point of beginning of a curve to the left having a central angle of 2 deg. 56 min. 11 sec., a radius of 1,650.00 feet and subtended by a chord which bears North 1 deg. 42 min. 14 sec. East a chord distance of 84.55 feet; thence along said curve and said ROW line a distance of 84.56 feet to the Point of Beginning; being situated in Shelby County, Alabama.

## **EXHIBIT "B"**

### **DEVELOPER'S PARCEL**

#### **CONNECTOR ROAD ALTERNATE "2" RIGHT-OF-WAY PARCEL (INCLUDES A PORTION OF PARCEL "A"):**

Commence at the NW corner of Section 24, Township 20 South Range 3 West, Shelby County, Alabama; thence S 87 deg-46'-00" E, a distance of 1669.02'; thence S 18 deg-40'-00" W, a distance of 190.46'; thence S 11 deg-40'-00" W, a distance of 369.40'; thence N 81 deg-15'-00" E, a distance of 37.50'; thence S 14 deg-37'-00" W, a distance of 75.00'; thence S 81 deg-15'-00" W, a distance of 350.40' thence continue along the last described course, a distance of 137.04' to the point of intersection of the easterly proposed and the easterly existing rights-of-way of U.S. Hwy. 31 and the POINT OF BEGINNING; thence continue along the last described course and leaving said proposed R.O.W. Line along said existing R.O.W. Line along said existing R.O.W. Line a distance of 25.01' to the beginning of a curve to the right having a central angle of 3'22'04", a radius of 1,650.00' and subtended by a chord which bears S 2'27'00" E a chord distance of 96.97'; thence along said curve and continuing along said R.O.W. Line a distance of 96.99' to the point of beginning of a curve to the right having a central angle of 42'12.12", a radius of 40.00' and subtended by a chord which bears N 20'20'08" E a chord distance of 28.80'; thence along said curve and leaving said R.O.W. Line a distance of 29.46' to a point lying on the proposed Easterly R.O.W. Line of U.S. Hwy. 31, said point also being a point of compound curve to the right having a central angle of 54.01'17", a radius of 40.00' and subtended by a chord which bears N 68'26'12" E chord distance of 36.31'; thence along said curve a distance of 37.71' to the point of beginning of a curve to the right having a central angle of 2'30'53", a radius of 250.00' and subtended by a chord which bears S 83'17'42" E a chord distance of 10.97'; thence along said curve a distance of 10.97' to a point of compound curve to the right having a radius of 250.00' and a central angle of 03 deg-00'29", said curve subtended by a chord bearing S 80 deg-31'-59" E and a chord distance of 13.12'; thence easterly along the arc, a distance of 13.12'; thence S 79 deg-01'-44" E a distance of 510.56' to a point of a curve to the right having a radius of 450.00' and a central angle of 05 deg-45'-09", said curve subtended by a chord bearing S 76 deg-09'-10" E and a chord distance of 45.16'; thence easterly along the arc a distance of 45.18'; thence easterly along the arc a distance of 45.18'; thence S 73 deg-16'36" E, a distance of 86.39' to a point of a curve to the right having a radius of 45.00' and a central angle of 90 deg-00'-00", said curve subtended by a chord bearing S 28 deg-16'36" E and a chord distance of 63.64'; thence southeasterly along the arc a distance of 70.69' to the westerly R.O.W. of Shelby County Hwy 33; thence N16'43'24"E along said R.O.W. Line a distance of 65.16'; thence N16'53'24"E and continuing along said R.O.W. Line a distance of 11.59'; thence N14'26'26"E along said R.O.W. a distance of 115.13' to a point of a curve to the right having a central angle of 92 deg-33'-03" W and a chord distance of 64.89'; thence southwesterly along the arc and leaving said right-of-way, a distance of 72.48'; thence N 73 deg-16'-36" W, a distance of 81.87' to a point of a curve to the left having a radius of 550.00' and a central angle of 05 deg-45'-09" said curve subtended by a chord bearing N 76 deg-09'-10" W and a chord distance of 55.20'; thence westerly along the arc a distance of 55.22'; thence N 79 deg-01'-44" W, a distance 510.55' to a point of a curve to the left having a central angle of 06 deg-05'-47"



and radius of 350.00', said curve subtended by a chord bearing N 82 deg-04'-38" W and a chord distance of 37.22'; thence northwesterly along the arc, a distance of 37.24' to a point of reverse curve having a central angle of 78 deg-50'-28" and a radius of 40.00', said curve subtended by a chord bearing N 45 deg-42'-17" W and a chord distance of 50.80'; thence along the arc, a distance of 55.04' to the existing easterly right-of-way of U.S. Highway 31 and also a point of curve to the right having a central angle of 01 deg-42'-17" and a radius of 2528.74', said curve subtended by a chord bearing S 05 deg-25'-55" E and a chord distance of 75.24', said curve subtended by a chord bearing S 05 deg-25'-55" E and a chord distance of 75.24'; thence along the arc and along said existing right-of-way a distance of 75.24' to the POINT OF BEGINNING; containing 1.78 acres, more or less.

#### **TIC PARCEL:**

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1,669.02 feet; thence South 18 deg. 40 min. 00 sec. West, a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West, a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East, a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet to the Point of Beginning; thence South 81 deg. 15 min. 00 sec. West a distance of 350.40 feet to a point lying on the northerly right of way line of a City of Pelham street; thence South 79 deg. 01 min. 44 sec. East along said right of way line a distance of 440.43 feet to the point of beginning of a curve to the right having a central angle of 5 deg. 45 min. 09 sec., a radius of 550.00 feet and subtended by a chord which bears South 76 deg. 09 min. 10 sec. East a chord distance of 55.20 feet; thence along said curve and continuing along said right of way line a distance of 55.22 feet to the end of said curve; thence South 73 deg. 16 min. 36 sec. East and continuing along said right of way line a distance of 81.87 feet to the point of beginning of a curve to the left having a central angle of 92 deg. 16 min. 58 sec., a radius of 45.00 feet and subtended by a chord which bears North 60 deg. 33 min. 03 sec. East a chord distance of 64.89 feet; thence along said curve and continuing along said right of way line a distance of 72.48 feet to the end of said curve, said point also being the point of intersection of said right of way line and the Westerly right of way line of Shelby County Road No. 33; thence North 14 deg. 26 min. 26 sec. East, and leaving said City of Pelham right of way line along said Shelby County Right of way line a distance of 19.48 feet; thence North 14 deg. 35 min. 24 sec. East and continuing along said Shelby County right of way line a distance of 136.71 feet; thence North 12 deg. 43 min. 00 sec. East and continuing along said right of way line a distance of 41.58 feet; thence South 81 deg. 15 min. 00 sec. West and leaving said right of way line a distance of 326.28 feet to the point of beginning, containing 1.66 acres.

#### **WATER TANK PARCELS:**

From the NW corner of the NE ¼ of the NW ¼ of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, thence run Easterly along the North boundary line of said 1/4 - 1/4 for 355.15 feet; thence turn an angle of 102 deg. 23 min. to the right and run Southwesterly



559.2 feet to the point of beginning of the land herein described and conveyed; thence continue Southwesterly along the last said course for 75.00 feet; thence turn an angle of 113 deg. 22 min. to the left and run Northeasterly for 37.5 feet; thence turn an angle of 86 deg. 38 min. to the left and run Northeasterly for 75.0 feet; thence turn an angle of 113 deg. 22 min. to the left and run Southwesterly 37.5 feet to the point of beginning.

**AND:**

From the NW corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, thence run Easterly along the North boundary line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  for 355.15 feet; thence turn an angle of 102 deg. 23 min. to the right and run Southwesterly 559.2 feet to the point of beginning of the land herein described and conveyed; thence continue Southwesterly along the last said course 75.0 feet; thence turn an angle of 66 deg. 38 min. to the right and run Southwesterly 37.5 feet; thence turn an angle of 113 deg. 22 min. to the right and run Northeasterly 75.00 feet; thence turn an angle of 66 deg. 38 min. to the right and run Northeasterly 37.5 feet to the point of beginning.

**SCHEIN PARCEL:**

A parcel of land located in the NW  $\frac{1}{4}$  of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the NW corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1,669.02 feet; thence South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 369.40 feet; thence North 81 deg. 15 min. 00 sec. East a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 350.40 feet to the point of beginning; thence continue along the last described course, a distance of 137.04 feet to the easterly right of way of U. S. Highway # 31 to the point of a curve to the left having a central angle of 01 deg. 42 min. 17 sec. and a radius of 2,528.74 feet, said curve subtended by a chord bearing North 5 deg. 25 min. 55 sec. West and a chord distance of 75.24 feet; thence northerly along the arc and along said right of way a distance of 75.24 feet to the point of curve to the left having a central angle of 78 deg. 50 min. 28 sec. and a radius of 40.00 feet, said curve subtended by a chord bearing South 45 deg. 42 min. 17 sec. East and a chord distance of 50.80 feet; thence southeasterly along the arc and leaving said right of way a distance of 55.04 feet to a point of reverse curve to the right having a radius of 350.00 feet and a central angle of 06 deg. 05 min. 47 sec. said curve subtended by a chord bearing South 82 deg. 04 min. 38 sec. East and a chord distance of 37.22 feet; thence easterly along the arc a distance of 37.24 feet; thence South 79 deg. 01 min. 44 sec. East a distance of 70.63 feet to the point of beginning; being situated in Shelby County, Alabama.

Also, a Slope Easement described as follows:

Commence at the Northwest corner of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 87 deg. 46 min. 00 sec. East a distance of 1,669.02 feet; thence

South 18 deg. 40 min. 00 sec. West a distance of 190.46 feet; thence South 11 deg. 40 min. 00 sec. West a distance of 85.02 feet to the point of beginning; thence continuing along the last described course a distance of 284.38 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 37.50 feet; thence South 14 deg. 37 min. 00 sec. West a distance of 75.00 feet; thence South 81 deg. 15 min. 00 sec. West a distance of 275.94 feet to a point lying on the Northerly right of way line of a City of Pelham street; thence North 79 deg. 01 min. 45 sec. West along said ROW line a distance of 55.64 feet; thence North 73 deg. 09 min. 09 sec. East and leaving said ROW line a distance of 208.52 feet; thence North 60 deg. 57 min. 13 sec. East a distance of 102.92 feet; thence North 38 deg. 41 min. 41 sec. East a distance of 112.45 feet; thence North 23 deg. 05 min. 23 sec. East a distance of 206.55 feet to the point of beginning; being situated in Shelby County, Alabama.

Inst # 2002-13467  
03/21/2002-13467  
04:02 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
013 CH 50.00