

STATE OF ALABAMA                     )  
   :  
COUNTY OF SHELBY                    )

**TERMINATION OF EASEMENT**

THIS TERMINATION OF EASEMENT (this "Agreement") is made and entered into as of the 21<sup>st</sup> day of March, 2002 by CITY OF HOOVER, ALABAMA, a municipal corporation (the "City").

**RECITALS:**

Pursuant to Easement dated September 25, 1981 (the "Easement") recorded in Book 335, Page 158 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), Percy W. Brower, Jr. and wife, Elisabeth Brower granted to The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974 ("Harbert-Equitable"), an easement over that certain real property situated in Shelby County, Alabama which is more particularly described in Exhibit A to the Easement.

Pursuant to Quitclaim of Easement Rights dated March 20, 2002, and recorded contemporaneously herewith in the Probate Office, Harbert-Equitable has transferred and assigned to the City all of its right, title and interest under the Easement.

The Easement provides that the same may be terminated upon the development of the real property subject to the Easement.

Pursuant to subdivision plats for Chase Plantation 4th Sector, as recorded in Map Book 9, Page 156A and B in the Probate Office, Resurvey of Lots 27-31, Chase Plantation 4th Sector as recorded in Map Book 16, Page 85 in the Probate Office, Chase Plantation 3rd Sector as recorded in Map Book 9, Page 47A and B in the Probate Office and Resurvey of Lots 1-8, Chase Plantation 3rd Sector, as recorded in Map Book 9, Page 62 in the Probate Office (collectively, the "Subdivision Plats"), easements have been reserved for ingress, egress and utilities over and upon portions of the real property shown and described in the aforesaid Subdivision Plats.

The Subdivision Plats reflected the subdivision of portions of the real property originally encumbered by the Easement.

As a result of the establishment of the easements for ingress, egress and utilities pursuant to the Subdivision Plats, the easements created pursuant to the Easement are no longer necessary or required and the City has agreed to terminate the Easement in its entirety.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City does hereby acknowledge and agree that the Easement is hereby terminated, shall be deemed null and void and of no further force or effect.

IN WITNESS WHEREOF, the City has caused this Agreement to be executed as of the day and year first above written.

**CITY OF HOOVER, ALABAMA**, a municipal corporation

By: Barbara B. McCollum  
Its: MAY 012

STATE OF ALABAMA     )  
                                      :  
COUNTY OF SHELBY     )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Barbara B. McCollum whose name as Mayor of City of Hoover, an Alabama 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, \_\_\_\_\_, as such officer and with full authority, executed the same voluntarily for and as the act of the City of Hoover, Alabama.

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

Linda Cremp  
Notary Public

[NOTARIAL SEAL]

My commission expires: 2-12-2004

This instrument prepared by and upon recording should be returned to:

Stephen R. Monk, Esq.  
Bradley Arant Rose & White LLP  
2001 Park Place, Suite 1400  
Birmingham, Alabama 35203  
(205) 521-8429

## EXHIBIT A-1 LEGAL DESCRIPTION

*Daniel to Hoover (School Site)*

A parcel of land situated in the SE 1/4 of the SE 1/4 of Section 23, Township 19 South, Range 3 West, Jefferson County, Alabama, and the SW 1/4 of the SW 1/4 of Section 24, the NW 1/4 of the NW 1/4 of Section 25, and the NE 1/4 of the NE 1/4 of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of Section 24, Township 19 South, Range 3 West; thence in an Easterly direction along the South line of said section a distance of 416.85 feet to the POINT OF BEGINNING; thence continue along the last stated course a distance of 26.73 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway; thence 61°03'15" to the right in a Southeasterly direction along said right-of-way line a distance of 671.75 feet to a point; thence 90° to the right in a Southwesterly direction (leaving said right-of-way line) a distance of 78.30 feet to the P.C. (Point of Curve) of a curve to the left having a radius of 750.00 feet and a central angle of 21°03'11"; thence in a Southwesterly direction along the arc of said curve a distance of 275.58 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Southwesterly direction a distance of 83.54 feet to a point; thence 90° to the right in a Northwesterly direction a distance of 133.58 feet to a point; thence 86°19'06" to the left in a Southwesterly direction a distance of 42.41 feet to a point; thence 9°56'24" to the left in a Southwesterly direction a distance of 129.97 feet to a point; thence 25°30'35" to the right in a Southwesterly direction a distance of 151.42 feet to a point; thence 21°32'21" to the right in a Southwesterly direction a distance of 34.15 feet to a point; thence 64°19'39" to the right in a Northwesterly direction a distance of 992.32 feet to a point; thence 112°07'00" to the right in a Northeasterly direction a distance of 82.97 feet to a point; thence 19°41'28" to the left in a Northeasterly direction a distance of 827.58 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway; thence 93°30'34" to the right in a Southeasterly direction along said right-of-way line a distance of 30.44 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 35.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 262.16 feet to a point; thence 71°22'02" to the right in a Southwesterly direction (leaving said right-of-way line) a distance of 51.07 feet to the Point of Beginning.



## EXHIBIT A-2 LEGAL DESCRIPTION

40-acre Park Site

A parcel of land situated in the SE 1/4 of the SE 1/4 of Section 23, Township 19 South, Range 3 West, Jefferson County, Alabama, and the SW 1/4 of the SW 1/4 of Section 24, and the NE 1/4 of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of Section 24, Township 19 South, Range 3 West; thence in an Easterly direction along the South line of said section a distance of 416.85 feet to a point; thence 47°34'43" to the left in a Northeasterly direction a distance of 51.07 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway; thence 71°22'04" to the left in a Northwesterly direction along said right-of-way line a distance of 262.16 feet to a point; thence 90° to the left in a Southwesterly direction along said right-of-way line a distance of 35.00 feet to a point; thence 90° to the right in a Northwesterly direction along said right-of-way line a distance of 30.44 feet to the POINT OF BEGINNING; thence 93°30'34" to the left in a Southwesterly direction (leaving said right-of-way line) a distance of 827.58 feet to a point; thence 19°41'28" to the right in a Southwesterly direction a distance of 145.57 feet to a point; thence 0°11'35" to the right in a Southwesterly direction a distance of 480.88 feet to a point; thence 4°42'48" to the right in a Southwesterly direction a distance of 407.59 feet to a point; thence 24°25'38" to the left in a Southwesterly direction a distance of 44.50 feet to a point; thence 15°26'00" to the left in a Southwesterly direction a distance of 119.97 feet to a point; thence 19°15'05" to the left in a Southwesterly direction a distance of 257.37 feet to a point; thence 22°03'56" to the left in a Southerly direction a distance of 354.88 feet to a point; thence 60°12'52" to the left in a Southeasterly direction a distance of 131.94 feet to a point; thence 40°59'03" to the right in a Southeasterly direction a distance of 62.70 feet to a point; thence 41°28'17" to the right in a Southwesterly direction a distance of 201.22 feet to a point; thence 32°27'09" to the left in a Southeasterly direction a distance of 246.56 feet to a point; thence 6°21'25" to the right in a Southerly direction a distance of 728 feet, more or less, to the centerline of the Cahaba River; thence an angle to the right in a Northwesterly, Northerly and Northeasterly direction along the centerline of said Cahaba River a distance of 4411 feet, more or less, to a point at the intersection of the centerline of said Cahaba River and the Southwesterly Right-of-Way line of Old Montgomery Highway; thence an angle to the right in a Southeasterly direction along said right-of-way line a distance of 223.5 feet, more or less, to a point; thence 90° to the right in a Southwesterly direction along said right-of-way line a distance of 50.00 feet to a point; thence 90° to the left in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 15.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 10.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 10.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 5.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 219.56 feet to the Point of Beginning.

Inst # 2002-13473

03/21/2002-13473  
04:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MSB 23.00