

## RESOLUTION

WHEREAS, the Pelham City Council desires to accept and approve the dedication of a certain street,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Pelham that the Council hereby accepts and approves the dedication of Word Drive, the connector road from US 31 to SC 33 in front of Home Depot.

THEREUPON Jim Phillips, a member, moved and Karyl Rice, a member, seconded the motion that said resolution be given vote, and said resolution passed by vote of all members of the Council present, and the Mayor declared the same passed.

Adopted this 6th day of January 2003.

Seal

Bobby Hayes  
Mayor

ATTEST

Clegg C. Luter  
City Clerk

This instrument was prepared by:  
WALLACE, ELLIS, FOWLER & HEAD  
P. O. Box 587  
Columbiana, AL 35051

**WARRANTY DEED**

**STATE OF ALABAMA  
SHELBY COUNTY**

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of One and no/100 Dollar (\$1.00) and other good and valuable consideration to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I or we, **Southmark Properties, L.L.C.**, an Alabama limited liability company, and **Interstate Restaurant Investors, L.L.P.**, an Alabama limited liability partnership (herein referred to as Grantor, whether one or more), grant, bargain, sell, and convey unto **City of Pelham, Alabama** (herein referred to as Grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, which said Exhibit "A" is signed by Grantor herein for the purpose of identification.

The above said property is dedicated hereby to the City of Pelham for use as a public street which the City of Pelham shall name as "Word Drive."

**TO HAVE AND TO HOLD** to the said Grantee, its successors and assigns forever.

And I (we) do for myself (ourselves) and for my (our) successors and assigns covenant with the said Grantee, its successors and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) successors and assigns shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF**, I (we) have hereunto set my hand(s) and seal(s), this 6<sup>th</sup> day of January, 2003.

**Southmark Properties, L.L.C.**, an  
Alabama limited liability company

By:  (SEAL)  
James A. Bruno, Managing Member

**Interstate Restaurant Investors, L.L.P.**, an  
Alabama limited liability partnership

By:  (SEAL)  
John McGeever, Managing Partner

[ACKNOWLEDGMENTS & ACCEPTANCE ON FOLLOWING PAGE]

STATE OF ALABAMA  
JEFFERSON COUNTY

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

Given under my hand and official seal, this the 6<sup>th</sup> day of January, 2003.

Monique K. Jinney  
Notary Public MY COMMISSION EXPIRES MARCH 11, 2003

STATE OF ALABAMA  
SHELBY COUNTY Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John McGeever, whose name as Managing Member 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability partnership.

Given under my hand and official seal, this the 6<sup>th</sup> day of January, 2003.

Monique K. Jinney  
Notary Public MY COMMISSION EXPIRES MARCH 11, 2003

ACCEPTANCE

The City of Pelham does hereby accept the dedication of the above conveyed property as a public street and further accepts conveyance of the above described property for such purposes in fee simple to the City of Pelham.

DONE this 8 day of January, 2003.

ATTEST:

CITY OF PELHAM, ALABAMA

Cress A. Bates  
Clerk

By: Bobby Hayes  
Bobby Hayes, Mayor



# EXHIBIT "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 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 a 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 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-16'-58" and a radius of 45.00', said curve subtended by a chord bearing S 60 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'; 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.

## SIGNED FOR IDENTIFICATION:

Southmark Properties, L.L.C.

By:

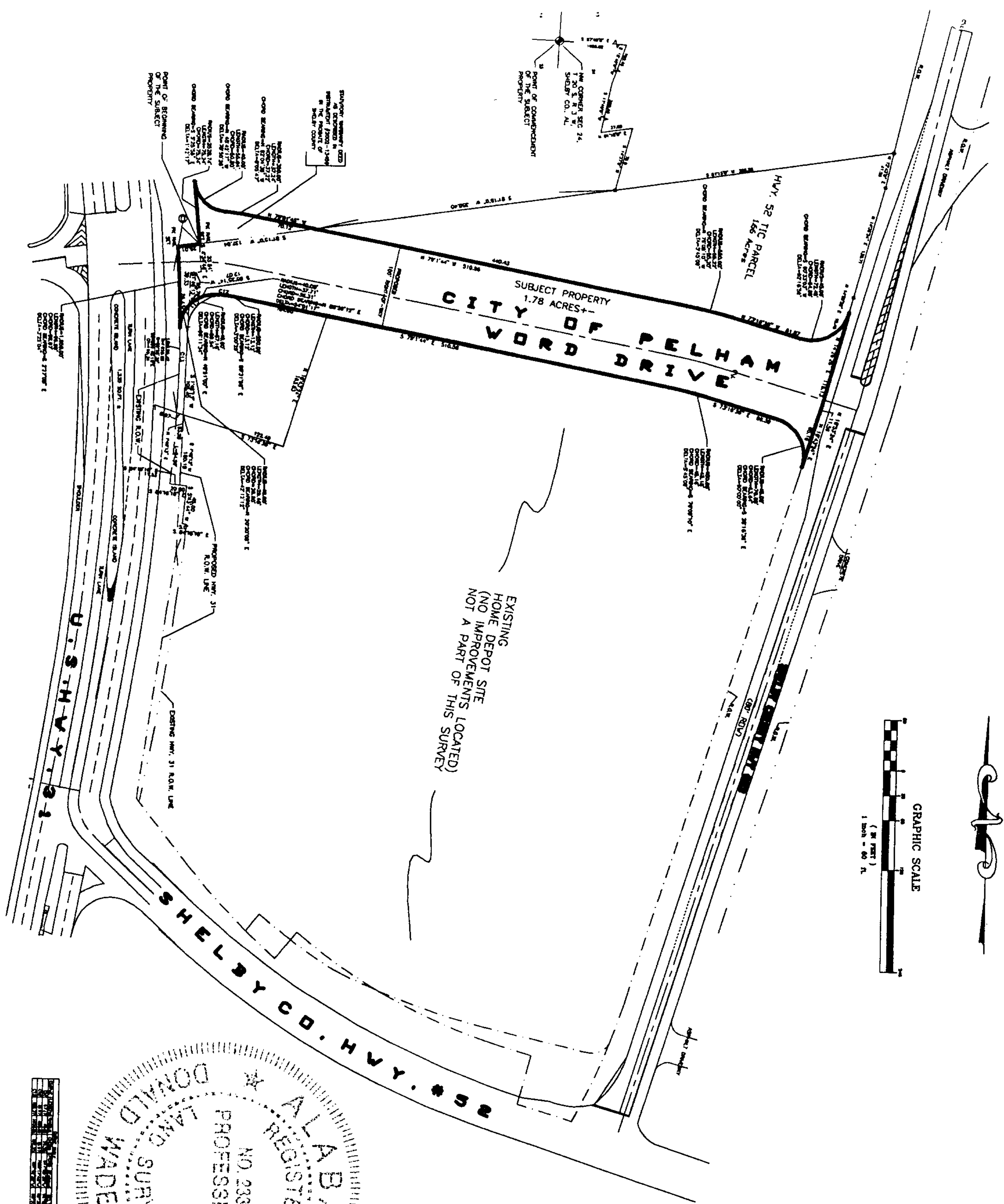
James A. Bruno, Managing Member

Interstate Restaurant Investors, L.L.P.

By:

John McGeever, Managing Partner





GRAPHIC SCALE

( IN FEET )

1 inch = 50 ft.

A circular seal for the American Bar Association. The outer ring contains the text "AMERICAN BAR ASSOCIATION" at the top and "REGISTERED" at the bottom, separated by two stars. Inside this ring, the text "PROFESSIONAL LAND SURVEYOR" is written in a circle. In the center, the number "NO. 23340" is printed. At the bottom of the seal, the name "DONALD WADE WHEELER" is written in a semi-circle.

**A BOUNDARY SURVEY OF  
CONNECTOR ROAD RIGHT-OF-WAY  
FOR THE  
CITY OF PELHAM**

STATE OF ALABAMA  
SHELBY COUNTY  
DECEMBER 12, 2002

1. David L. Wheeler, a Professional Land Surveyor in the State of Alabama, do hereby certify that to be a true and correct map or plat of a parcel of land situated in Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows:

[illegible]

### SUMMARY NOTES

1. Boundary Survey made on the ground under the supervision of a Alabama Registered Land Surveyor. Date of survey is December 11, 2002.

[illegible]

7-3-05 ROAD NAME ADDED &  
REVIEW OF EVIDENCE

1. <input type="checkbox"/> <u>DR. RALPH</u> 2. <input type="checkbox"/> <u>DR. RALPH</u> 3. <input type="checkbox"/> <u>DR. RALPH</u> 4. <input type="checkbox"/> <u>DR. RALPH</u> 5. <input type="checkbox"/> <u>DR. RALPH</u> 6. <input type="checkbox"/> <u>DR. RALPH</u> 7. <input type="checkbox"/> <u>DR. RALPH</u> 8. <input type="checkbox"/> <u>DR. RALPH</u> 9. <input type="checkbox"/> <u>DR. RALPH</u> 10. <input type="checkbox"/> <u>DR. RALPH</u> 11. <input type="checkbox"/> <u>DR. RALPH</u> 12. <input type="checkbox"/> <u>DR. RALPH</u> 13. <input type="checkbox"/> <u>DR. RALPH</u> 14. <input type="checkbox"/> <u>DR. RALPH</u> 15. <input type="checkbox"/> <u>DR. RALPH</u> 16. <input type="checkbox"/> <u>DR. RALPH</u> 17. <input type="checkbox"/> <u>DR. RALPH</u> 18. <input type="checkbox"/> <u>DR. RALPH</u> 19. <input type="checkbox"/> <u>DR. RALPH</u> 20. <input type="checkbox"/> <u>DR. RALPH</u> 21. <input type="checkbox"/> <u>DR. RALPH</u> 22. <input type="checkbox"/> <u>DR. 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