


STATE OF ALABAMA)
 :
COUNTY OF SHELBY)


20030210000081000 Pg 1/7 32.00
Shelby Cnty Judge of Probate, AL
02/10/2003 13:02:00 FILED/CERTIFIED

SLOPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: that

WHEREAS, Alabaster Retail Property, L.L.C., an Alabama limited liability company ("Retail"), has acquired the property described on Exhibit "A" attached hereto and made a part hereof ("Benefited Property"); and

WHEREAS, Retail intends to develop the Benefited Property in accordance with those certain plans and specifications prepared by Columbia Engineering described on Exhibit "B" attached hereto and made a part hereof ("Plans and Specifications"); and

WHEREAS, to facilitate the development of the Benefited Property in accordance with the Plans and Specifications, it is desirable for Retail to obtain a permanent easement from Douglas M. Kent and Nina Kent and/or Kent Farms ("Kent") both in, upon, over and across that certain parcel of land owned by Kent described on Exhibit "C" attached hereto and made a part hereof ("Slope Easement") in order to slope and grade such property in accordance with the Plans and Specifications and a temporary construction easement for such purpose; and

WHEREAS, Kent desires by this instrument to grant and convey unto Retail such easements.

NOW, THEREFORE, for and in consideration of One Hundred Dollars and NO/100 (\$100.00) and other good and valuable consideration to the undersigned Kent, in hand paid by Retail, the receipt and sufficiency of which are hereby acknowledged, Kent does by these presents grant, bargain, sell and convey unto Retail, its successors and assigns in ownership of the Benefited Property, the following described easements appurtenant to the Benefited Property:

(a) a permanent easement to slope and grade the Slope Easement Parcel in accordance with the Plans and Specifications; and

(b) a temporary construction easement on, over and across the Slope Easement Parcel for the purpose of effectuating the sloping and grading of the Slope Easement Parcel in accordance with the Plans and Specifications.

Any party utilizing the Slope Easement Parcel pursuant to this instrument covenants and agrees, by its use thereof, with Kent that such party agrees not to allow any mechanic's or materialmen's liens to be filed, and if any such mechanic's or materialmen's liens are filed, agrees to promptly to pay, bond or otherwise discharge the same at no cost or expense to Kent, failing which Kent may (without any obligation) do so and immediately recover the cost thereof from the party so performed upon the Slope Easement Parcel.

By its acceptance of this instrument, while utilizing the temporary construction easement in (b) above, Retail agrees to cause general public liability insurance to be maintained in effect, naming Kent as an additional insured, with respect to such use of the Slope Easement Parcel pursuant to this instrument. Such liability insurance shall be not less than One Million Dollars (\$1,000,000.00) per occurrence.

The instrument, and the easements granted hereby, shall be binding upon and inure to the benefit of the respective heirs, successors, personal representatives and assigns of Kent, as owner of the Slope Easement Parcel, and of Retail, as owner of the Benefited Property. In the event that there become hereafter more than one owner of the Benefited Property, the obligations of Retail hereunder shall be joint and several between and among such owners.

IN WITNESS WHEREOF, Kent has executed and sealed this Slope Easement on this the 27 day of January, 2003.

WITNESS:

Douglas M. Kent

[Signature]

_____(L.S.)
Douglas M. Kent

[Signature]

*Nina Kent*_____(L.S.)
Nina Kent

[ACKNOWLEDGMENT CONTINUED NEXT PAGE]

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Douglas M. Kent and his wife, Nina Kent, whose names 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 the above and foregoing instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27 day of January, 2003.



Notary Public

My Commission expires: 5/21/03

This instrument prepared by:
Jeffrey W. Blitz, Esq.
Rushton, Stakely, Johnston & Garrett, P.A.
184 Commerce Street
Montgomery, Alabama 36104
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EXHIBIT "A"

(Benefited Property Description)

A parcel of land located in the northwest quarter of the northwest quarter and in the northeast quarter of the northwest quarter of Section 14, Township 21 South, Range 3 West and being more particularly described as follows:

COMMENCE at a 3" pipe found at the northwest corner of said Section 14; thence run South 89 degrees, 03 minutes, 42 seconds East and along the section line 1538.52 feet to a 1/2" capped rebar set at the POINT OF BEGINNING, said POINT being on the east right-of-way of Alabama Highway 119, a variable-width right-of-way; thence continue South 89 degrees, 03 minutes, 42 seconds East and along the section line 804.97 feet to a 1/2" capped rebar set; thence run South 25 degrees, 30 minutes, 31 seconds West 1443.13 feet to a 1/2" capped rebar set on the north right-of-way of Shelby County Road 26, an 80-foot wide right-of-way; thence run North 83 degrees, 11 minutes, 42 seconds West and along said right-of-way 658.64 feet; thence run North 19 degrees, 20 minutes, 38 seconds West along a right-of-way transition 109.84 feet to a point on the east right-of-way of Alabama Highway 119 that is 117 feet right of centerline station 455+70; thence run North 22 degrees, 54 minutes, 14 seconds East along said right-of-way 166.37 feet to a point that is 110 feet right of centerline station 457+37; thence run North 25 degrees, 20 minutes, 17 seconds East along said right-of-way 313.00 feet to a point that is 110 feet right of centerline station 460+50; thence run North 47 degrees, 08 minutes, 22 seconds East along said right-of-way 26.93 feet to a point that is 120 feet right of centerline station 460+75; thence run North 25 degrees, 20 minutes, 17 seconds East along said right-of-way 175.00 feet to a point that is 120 feet right of centerline station 462+50; thence run North 14 degrees, 01 minutes, 41 seconds East along said right-of-way 152.97 feet to a point that is 90 feet right of centerline station 464+00; thence run North 25 degrees, 20 minutes, 17 seconds East along said right-of-way 412.63 feet to the POINT OF BEGINNING. Said parcel containing a total of 22.881 acres.

LESS and EXCEPT from the above description the following described parcel.

Commence at a 3" pipe found at the northwest corner of said Section 14; thence run South 89 degrees, 03 minutes, 42 seconds East and along the section line 1837.00 feet; thence run South 00 degrees, 56 minutes, 18 seconds West 13.00 feet to a 1/2" capped rebar set at the POINT OF BEGINNING; thence run South 89 degrees, 03 minutes, 42 seconds East 100.00 feet to a 1/2" capped rebar set; thence run South 00 degrees, 56 minutes, 18 seconds West 100.00 feet to a 1/2" capped rebar set; thence run North 89 degrees, 03 minutes, 18 seconds West 100.00 feet to a 1/2" capped rebar set; thence run North 00 degrees, 56 minutes, 18 seconds East 100.00 feet to the POINT OF BEGINNING.

Said parcel being excepted containing 0.230 acres (10,000 sq. ft.) leaving a net acreage of 22.652 (986,706 sq. ft.) in the primary tract.

EXHIBIT "B"

(List of Plans and Specifications)

TABLE OF CONTENTS SPECIFICATIONS AND CONTRACT DOCUMENTS

<u>DOCUMENTS</u>	<u>NO. OF PAGES</u>
INVITATION TO BID	2
PROPOSAL	13
BID BOND	2
CONTRACT	2
PERFORMANCE BOND	2
PAYMENT BOND	2
GENERAL CONDITIONS	18
SPECIAL CONDITIONS	6

TECHNICAL SPECIFICATIONS

SECTION	TITLE
02080	PIPED UTILITIES – BASIC MATERIALS & METHODS
02221	BUILDING DEMOLITION
02230	SITE CLEARING
02260	EXCAVATION SUPPORT AND PROTECTION
02300	EARTHWORK
02361	TERMITE CONTROL
02510	WATER DISTRIBUTION
02530	SANITARY SEWERAGE
02630	STORM DRAINAGE
02741	HOT-MIX ASPHALT PAVING
02751	CEMENT CONCRETE PAVEMENT
02764	PAVEMENT JOINT SEALANTS
02811	LANDSCAPE / IRRIGATION
02821	CHAIN-LINK FENCES & GATES
02832	SEGMENTAL RETAINING WALLS
02923	LANDSCAPE GRADING
02924	SEEDING
02930	TREES, PLANTS & GROUND COVER
02935	LANDSCAPE MAINTENANCE & WARRANTY STANDARDS
Appendix A	GEOTECHNICAL INVESTIGATION

EXHIBIT "B"

(List of Plans and Specifications – cont.)

Construction Drawings

- | | | |
|-----|---------------|--|
| 1. | Drawing C-0, | Cover Sheet, dated 11/27/02. |
| 2. | Drawing C-1, | Site Plan, dated 12/16/02. |
| 3. | Drawing C-2, | Existing Conditions and Demolition Plan, dated 11/4/02 |
| 4. | Drawing C-3A, | Master Grading Plan, dated 11/4/02 |
| 5. | Drawing C-3B, | Grading and Drainage Plan, dated 12/12/02. |
| 6. | Drawing C-4A, | Phase I Erosion Control Plan, dated 11/4/02 |
| 7. | Drawing C-4B, | Phase II Erosion Control Plan, dated 11/4/02 |
| 8. | Drawing C-5, | Utility Plan, dated 11/4/02 |
| 9. | Drawing C-6A, | Storm Sewer Profiles, dated 11/4/02 |
| 10. | Drawing C-6B, | Storm Sewer Profiles, dated 11/4/02 |
| 11. | Drawing C-7A, | Sanitary Sewer Plan and Profiles, dated 11/4/02 |
| 12. | Drawing C-8, | Details, dated 11/4/02 |
| 13. | Drawing C-9, | Details, dated 11/4/02 |
| 14. | Drawing C-10, | Details, dated 11/4/02 |
| 15. | Drawing C-11, | Details, dated 11/4/02 |
| 16. | Drawing C-12, | General Notes, dated 11/4/02 |
| 17. | Drawing C-13, | ALDOT Details, dated 11/4/02 |
| 18. | Drawing C-14, | ALDOT Details, dated 11/4/02 |
| 19. | Drawing C-15, | County Road 26 East Improvement Plan, dated 11/4/02 |
| 20. | Drawing C-16, | Signage and Striping Plan, dated 11/4/02 |
| 21. | Drawing C-17, | County Road 26 East Cross-sections, dated 11/27/02 |
| 22. | Drawing C-18, | County Road 26 East Cross-sections, dated 11/27/02 |
| 23. | Drawing L-1, | Landscape Plan, dated 10/7/02. |
| 24. | Drawing L-2, | Landscape Details, dated 10/7/02. |
| 25. | Drawing IR-1, | Irrigation Plan, dated 10/7/02. |
| 26. | Drawing IR-2, | Irrigation Plan, dated 11/1/02. |
| 27. | Drawing IR-3, | Irrigation Details, dated 10/7/02. |

EXHIBIT "C"

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(Slope Easement Parcel Description)

An easement located in the northeast quarter of the northwest quarter of Section 14, Township 21 South, Range 3 West, said easement being more particularly described as follows:

COMMENCE at the northwest corner of said Section 14; thence run South 89 degrees, 03 minutes, 42 seconds East and along the section line 2343.49 feet; thence run South 25 degrees, 30 minutes, 31 seconds West 617.60 feet to the POINT OF BEGINNING; thence continue South 25 degrees, 30 minutes, 31 seconds West 589.55 feet; thence run North 44 degrees, 42 minutes, 44 seconds East 69.92 feet; thence run North 25 degrees, 30 minutes, 31 seconds East 355.71 feet; thence run North 17 degrees, 42 minutes, 15 seconds East 169.38 feet to the POINT OF BEGINNING.