



20040211000072100 Pg 1/5 24.00  
Shelby Cnty Judge of Probate, AL  
02/11/2004 14:32:00 FILED/CERTIFIED

STATE OF ALABAMA )

Send tax notices to:

SHELBY COUNTY )

The City of Alabaster, Alabama

Attn: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **STATUTORY WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned **SHELBY LAND PARTNERS, LLC**, an Alabama limited liability company, and **MARK E. OSBORN**, a married man (collectively, the "Grantor"), in hand paid by **THE CITY OF ALABASTER, ALABAMA**, a municipal corporation organized under the laws of the State of Alabama (the "Grantee"), the receipt of which is acknowledged, the said Grantor does **GRANT, BARGAIN, SELL AND CONVEY** unto the Grantee, its successors and assigns, that certain real estate situated in Shelby County, Alabama, which is described in Exhibit A attached hereto and made a part hereof (the "Property").

It is expressly understood and agreed that this Statutory Warranty Deed is made subject to the following (the "Exceptions"):

1. Ad Valorem taxes for the current year.
2. Mineral and mining rights not owned by the Grantor.
3. Easements and building lines as shown on recorded map.
4. Existing easements, restrictions, limitations, covenants, conditions, if any, of record.

**TO HAVE AND TO HOLD** the said Property unto the Grantee, its successors and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and unto its successors and assigns forever.

The subject property is not the homestead or residence of the Grantor or Grantor's spouse.

In addition to the foregoing title exceptions, the conveyance evidenced by this Statutory Warranty Deed shall be subject to the Grantor's right to repurchase the Property in the event that any of the following conditions shall occur: (i) the Grantee shall not have commenced construction of public facilities (including, among other facilities, City Hall and other public safety and municipal facilities) on or before December 31, 2009, or (ii) the Grantee determines prior to such date that it intends to use the Property for a use other than a public use, or (iii) the Grantee desires to convey the Property to any party other than a public entity for a non-public use. The Grantor's repurchase price for the Property in such event shall be \$2,199,700. The Grantor shall have forty-five (45) days after receipt of notice of any of the conditions set forth in (i) through (iii) above to give notice to the Grantee of its intent to repurchase the Property.

No word, words, or provisions of this instrument are intended to operate as to imply covenants of warranty except that the Grantor does hereby specially warrant the title to the Property against the lawful claims of all persons claiming by, through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has hereto set its signature and seal on the date of the acknowledgment of the Grantor's signature below, to be effective as of February 10, 2004.

**GRANTOR:**

**SHELBY LAND PARTNERS, LLC**

By: *James A. Jackson*  
Its: Manager

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James A. Jackson whose name as Manager of Shelby Land Partners, LLC, 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 said instrument, he/she, as such representative 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 10 day of February, 2004.

*Wanda Elewira Hecutt*  
Notary Public

AFFIX SEAL

My commission expires: 10/29/06

Mark E Osborn  
MARK E. OSBORN  
by David E Fleisher  
Attorney in Fact

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that David E. Fleisher, as attorney-in-fact for Mark E. Osborn pursuant to Limited Power of Attorney dated February 6, 2004 and recorded as instrument number X in the office of the Judge of Probate of Shelby County, Alabama, whose name 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 executed the same voluntarily on the day the same bears date for and on behalf of Mark E. Osborn.

X 20040211000072090

Given under my hand and official seal this the 10 day of February, 2004.

Wanda Edwina Facutt  
Notary Public

AFFIX SEAL

My commission expires: 10/29/06

This Instrument Was Prepared By:  
Gregory K. Mixon  
MAYNARD, COOPER & GALE, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203-2602  
(205) 254-1000

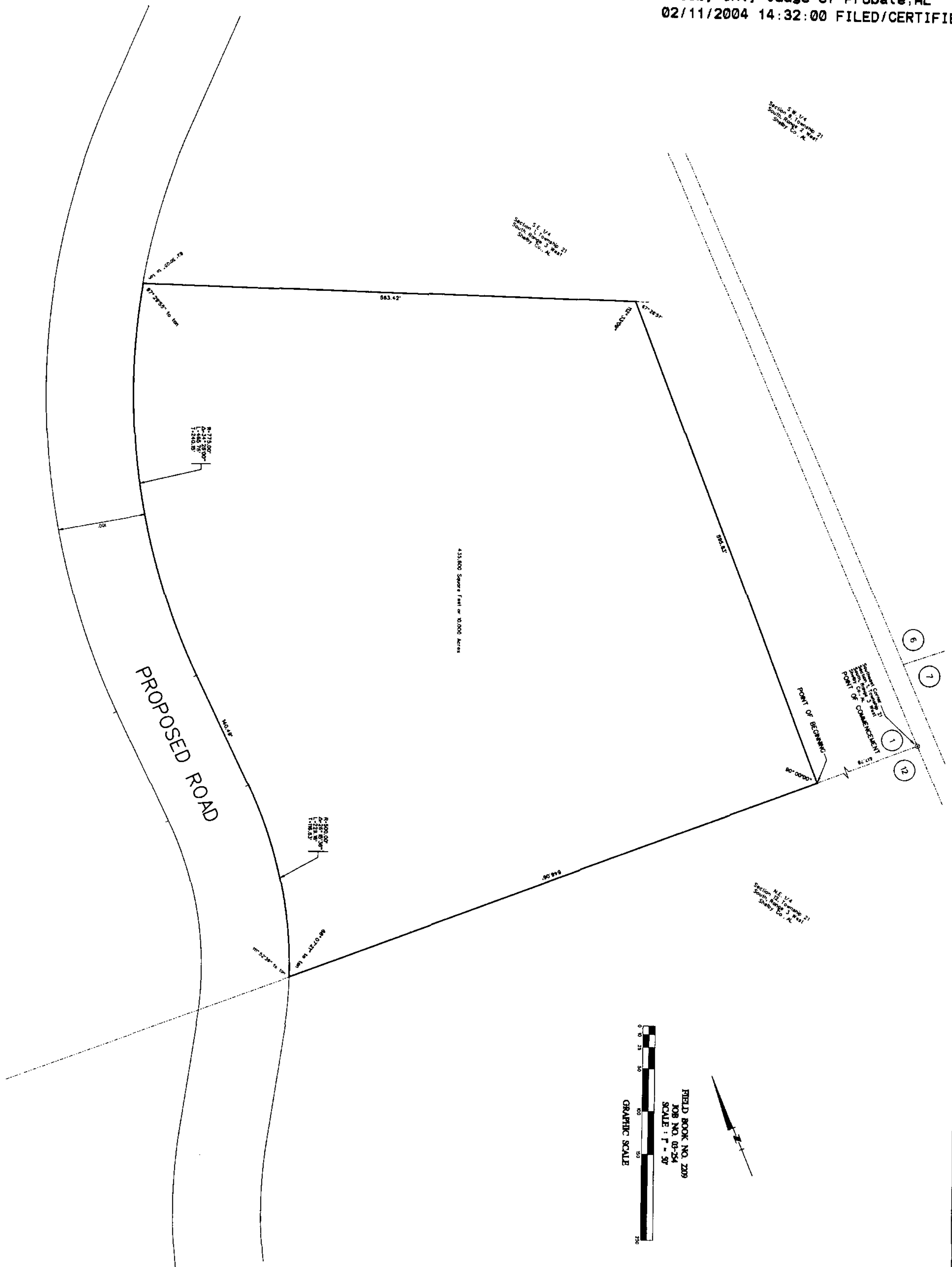
## **Exhibit A**

### **(Legal Description)**

A parcel of land situated in the Southeast 1/4 of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of Section 1, Township 21 South, Range 3 West; thence in a Westerly direction along the South line of said Section 1 a distance of 617.78 feet to the POINT OF BEGINNING of the parcel described herein; thence continue along the last stated course a distance of 646.06 feet to a point on the Easterly Right-of-Way line of a proposed road, said point also being on a curve to the left having a radius of 500.00 feet and a central angle of 26°15'36"; thence 111°52'39" to the right (angle measured to tangent) in a Northerly direction along the arc of said curve and along said Right-of-Way line a distance of 229.16 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Northerly direction along said Right-of-Way line a distance of 140.49 feet to the P.C. (point of curve) of a curve to the right having a radius of 775.00 feet and a central angle of 34°26'00"; thence in a Northerly and Northeasterly direction along the arc of said curve and along said Right-of-Way line a distance of 465.76 feet to a point; thence 82°30'05" to the right (angle measured to tangent) in a southeasterly direction (leaving said Right-of-Way line) a distance of 563.42 feet to a point; thence 67°26'51" to the right in a southerly direction a distance of 595.83 feet to the POINT OF BEGINNING.





DATE 2/2/2004	SCALE 1" = 30'	PROPERTY EXHIBIT
SHEET NO. 1 OF 1	DRAWN BY JRM	SITUATED IN THE SE 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 3 WEST SHELBY COUNTY, ALABAMA
	CHECKED JRM	
	FILE NAME 10ACRE.DGN	

WALTER SCHOEL ENGINEERING CO., INC.  
CONSULTING ENGINEERS  
1001 22ND STREET SOUTH  
BIRMINGHAM, ALABAMA 35205  
(205) 322-6166

REVISIONS

