

## **WATER LINE EASEMENT AGREEMENT**

STATE OF ALABAMA  
COUNTY OF SHELBY

This Water Line Easement Agreement is entered into by **Wayne Horton** and wife, **Myra Gayle Horton** (hereinafter 'Servient Tenement Owner') for the benefit of **SHELBY SPRINGS ROAD, L.L.C.** (hereinafter 'Dominant Tenement Owner')

**WHEREAS** Dominant Tenement Owner is the owner of the following described property (hereinafter 'Dominant Tenement'), to wit:

Parcels of land situated in the S ½ of Section 31, Township 21 South, Range 1 West, Shelby County, Alabama and the N ½ of the N ½ of Section 6, Township 22 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

### **PARCEL I**

Commence at the SW Corner of the SW ¼ of the SW ¼ of Section 31, Township 21 South, Range 1 West, Shelby County, Alabama, said point being the POINT OF BEGINNING; thence North 00 degrees 03 minutes 10 seconds West, a distance of 500.15 feet; thence North 88 degrees 29 minutes 53 seconds East, a distance of 903.53 feet to a point, said point being the approximate center of Camp Branch Creek; thence South 81 degrees 54 minutes 54 seconds West and along said creek, a distance of 78.85 feet to a point, said point being the beginning of a non tangent curve to the left, having a radius of 3,038.45 feet, a central angle of 04 degrees 44 minutes 02 seconds and subtended by a chord which bears South 69 degrees 37 minutes 38 seconds West, and a chord distance of 250.97 feet; thence along the arc of said curve and said creek, a distance of 251.04 feet; thence South 68 degrees 54 minutes 09 seconds West and along said creek, a distance of 131.67 feet to a point, said point being the beginning of a non tangent curve to the left, having a radius of 216.63 feet; a central angle of 66 degrees 59 minutes 24 seconds and subtended by a chord which bears South 53 degrees 43 minutes 48 seconds West, and a chord distance of 239.10 feet; thence along the arc of said curve and said creek, a distance of 253.29 feet; thence South 46 degrees 44 minutes 36 seconds West and along said creek, a distance of 96.37 feet to a point, said point being the beginning of a curve to the left, having a radius of 88.38 feet, a central angle of 74 degrees 27 minutes 49 seconds, and subtended by a chord which bears South 09 degrees 30 minutes 42 seconds West, and a chord distance of 106.95 feet; thence along the arc of said curve and said creek, a distance of 114.86 feet; thence South 25 degrees 00 minutes 44 seconds West and along said creek, a distance of 109.61 feet to a point, said point being the beginning of a non tangent curve to the right, having a radius of 379.33 feet, a central angle of 18 degrees 58 minutes 06 seconds, and subtended by a chord which bears South 29 degrees 49 minutes 30 seconds West, and a chord distance of 125.01 feet; thence along the arc of said curve and said



creek, a distance of 125.58 feet to a point, said point being the beginning of a non tangent curve to the left, having a radius of 133.43 feet, a central angle of 30 degrees 14 minutes 33 seconds, and subtended by a chord which bears South 50 degrees 46 minutes 45 seconds West, and a chord distance of 69.61 feet; thence along the arc of said curve and said creek, a distance of 70.43 feet; thence South 18 degrees 49 minutes 16 seconds West and along said creek, a distance of 69.48 feet; thence North 00 degrees 14 minutes 32 seconds West and leaving said creek, a distance of 252.56 feet to the POINT OF BEGINNING; being situated in Shelby County, Alabama.

## **PARCEL II**

Commence at the SW corner of Section 31, Township 21 South, Range 1 West; thence run North 0 degrees 03 minutes 56 seconds East along the West line thereof for 500.00 feet to the point of beginning; thence continue last described course for 2248.04 feet to the NW corner of the SW  $\frac{1}{4}$  of said section, said point being a concrete monument; thence North 88 degrees 38 minutes 25 seconds East along the North line of said  $\frac{1}{4}$  section for 2633.70 feet to a concrete monument; thence North 89 degrees 43 minutes 22 seconds East for 1036.17 feet to the centerline of a 20 foot easement; thence (along said easement the following described courses) 71 degrees 45 minutes 15 seconds right run Southerly 156.11 feet; thence 54 degrees 51 minutes 20 seconds right 239.06 feet; thence 11 degrees 33 minutes left 87.32 feet; thence 25 degrees 18 minutes 05 seconds left 119.87 feet; thence 25 degrees 55 minutes 17 seconds left 83.97 feet; thence 13 degrees 56 minutes 36 seconds left 341.61 feet; thence 19 degrees 26 minutes 28 seconds right 132.04 feet; thence 11 degrees 04 minutes 33 seconds right 164.91 feet; thence 7 degrees 20 minutes 12 seconds right 77.04 feet; thence 40 degrees 10 minutes 08 seconds right 110.48 feet; thence 129 degrees 27 minutes 30 seconds left 728.76 feet to the Westerly right of way of Shelby Springs Road; thence (leaving said easement) (run Southwesterly along said right of way the following described courses) South 14 degrees 20 minutes 02 seconds West 416.53 feet; thence South 21 degrees 52 minutes 46 seconds West 247.69 feet; thence South 20 degrees 44 minutes 11 seconds West 316.39 feet; thence South 20 degrees 59 minutes 47 seconds West 463.57 feet; thence South 23 degrees 41 minutes 53 seconds West 490.87 feet; thence South 13 degrees 48 minutes 28 seconds West 424.61 feet; thence South 18 degrees 53 minutes 33 seconds West 393.02 feet; thence (leaving said right of way North 61 degrees 32 minutes 31 seconds West for 1142.40 feet to the centerline of Camp Branch Creek; thence (Northwesterly along said creek the following described courses) North 31 degrees 00 minutes 03 seconds 42.20 feet; thence South 87 degrees 33 minutes 52 seconds West 100.21 feet; thence North 33 degrees 14 minutes 28 seconds West 186.97 feet; thence North 1 degree 13 minutes 09 seconds West 363.06 feet; thence North 27 degrees 26 minutes 26 seconds West 293.65 feet; thence North 34 degrees 27 minutes 33 seconds West 293.77 feet; thence North 75 degrees 30 minutes 57 seconds West 252.77 feet; thence (leaving said creek) South 88 degrees 35 minutes 54 seconds West 1833.82 feet to the point of beginning; being



situated in Shelby County, Alabama.

LESS AND EXCEPT a parcel of land situated in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the Section 31, Township 21 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the SW corner of above said  $\frac{1}{4}$  -  $\frac{1}{4}$ , said point being the point of beginning; thence North 00 degrees 03 minutes 10 seconds West a distance of 500.15 feet; thence North 88 degrees 29 minutes 53 seconds East a distance of 903.53 feet to a point, said point being the approximate center of Camp Branch Creek; thence South 81 degrees 54 minutes 54 seconds West and along said creek, a distance of 78.85 feet to a point said point being the beginning of a non tangent curve to the left, having a radius of 3038.45 feet, a central angle of 04 degrees 44 minutes 02 seconds and subtended by a chord which bears South 69 degrees 37 minutes 38 seconds West and a chord distance of 250.97 feet; thence along the arc of said curve and said creek, a distance of 251.04 feet; thence South 68 degrees 54 minutes 09 seconds West and along said creek, a distance of 131.67 feet to a point said point being the beginning of a non tangent curve to the left, having a radius of 216.63 feet; a central angle of 66 degrees 59 minutes 24 seconds and subtended by a chord which bears South 53 degrees 43 minutes 48 seconds West and a chord distance of 239.10 feet; thence along the arc of said curve and said creek, a distance of 253.29 feet; thence South 46 degrees 44 minutes 36 seconds West and along said creek, a distance of 96.37 feet to a point, said point being the beginning of a curve to the left, having a radius of 88.38 feet, a central angle of 74 degrees 27 minutes 49 seconds and subtended by a chord which bears South 09 degrees 30 minutes 42 seconds and a chord distance of 106.95 feet; thence along the arc of said curve and said creek, a distance of 114.86 feet; thence South 25 degrees 00 minutes 44 seconds West and along said creek, a distance of 109.61 feet to a point, said point being the beginning of a non tangent curve to the right having a radius of 379.33 feet, a central angle of 18 degrees 58 minutes 06 seconds and subtended by a chord which bears South 29 degrees 49 minutes 30 seconds West and a chord distance of 125.01 feet; thence along the arc of said curve and said creek, a distance of 125.58 feet to a point, said point being the beginning of a non tangent curve to the left having a radius of 133.43 feet a central angle of 30 degrees 14 minutes 33 seconds and subtended by a chord which bears South 50 degrees 46 minutes 45 seconds West and a chord distance of 69.61 feet; thence along the arc of said curve and said creek, a distance of 70.43 feet; thence South 18 degrees 49 minutes 16 seconds West and along said creek, a distance of 252.56 feet to the point of beginning.

ALSO LESS AND EXCEPT a part of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 31, Township 21 South, Range 1 West, and a part of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 6, Township 22 South, Range 1 West, being more particularly described as follows:

Commence at the NW corner of Section 6, Township 22 South, Range 1



West; thence run North 88 degrees 35 minutes 54 seconds East along the North line of said Section for 1267.45 feet; thence South 1 degree 24 minutes 06 seconds East for 251.00 feet to the point of beginning; thence South 61 degrees 47 minutes 44 seconds East for 935.63 feet; thence North 51 degrees 15 minutes 45 seconds East 396.82 feet to the centerline of Camp Branch Creek; thence North 13 degrees 58 minutes 02 seconds West a chord distance of 673.13 feet, run Northerly along the centerline of said creek for 690 feet, more or less; thence South 64 degrees 41 minutes 48 seconds West for 1074.70 feet to the point of beginning; being situated in Shelby County, Alabama.

### **PARCEL III**

Commence at the NE corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31, Township 21 South, Range 1 West; thence run Westerly along the North line thereof 254.08 feet to the Westerly right of way of Norfolk Southern Railroad; thence South 13 degrees 04 minutes West run along said right of way 1188.18 feet to the southerly right of way of Holcombe Lane and the Point of Beginning; thence continue along said Railroad right of way South 13 degrees 04 minutes West 1344.36 feet to a curve to the right (having a radius of 5484.91 feet and a central angle of 15 degrees 00 minutes 48 seconds); thence continue along said curve and right of way for 1437.21 feet; thence continue along said right of way and tangent to said curve 52.71 feet to the northerly right of way line of Holcombe Road; thence 51 degrees 19 minutes 36 seconds right run Westerly along last said right of way 264.26 feet to the Easterly right of way of Shelby Springs Road; thence (Northerly along last said right of way the following described courses) North 18 degrees 53 minutes 33 seconds East 340.36 feet; thence North 13 degrees 48 minutes 28 seconds East 422.50 feet; thence North 23 degrees 41 minutes 53 seconds East 487.72 feet; thence North 20 degrees 59 minutes 47 seconds East 462.59 feet; thence North 20 degrees 44 minutes 11 seconds East 315.61 feet; thence North 21 degrees 52 minutes 46 seconds East 250.73 feet; thence North 14 degrees 20 minutes 02 seconds East for 622.57 feet to the Southerly right of way of said Holcombe Lane; thence 73 degrees 33 minutes 45 seconds right run Easterly along said right of way 124.20 feet to a curve to the right (having a radius of 146.70 feet and a central angle of 13 degrees 38 minutes 19 seconds) thence run Easterly along said curve 34.92 feet to the Point of Beginning; being situated in Shelby County, Alabama.

**WHEREAS** Servient Tenement Owner is the owner of the following described property (hereinafter the "Servient Tenement"), to wit:

**A 15 FOOT EASEMENT FOR WATER LINE BEING 7.5 FEET IN EQUAL WIDTH** on each side of the following described line: Commence at a 4" x 4" concrete monument in place being the Northwest corner of the Northwest one-fourth of the Southwest one-fourth of Section 31, Township 21 South, Range 1 West, Shelby County, Alabama; thence proceed South 00° 03' 56" West along the West boundary of said quarter section for a distance of



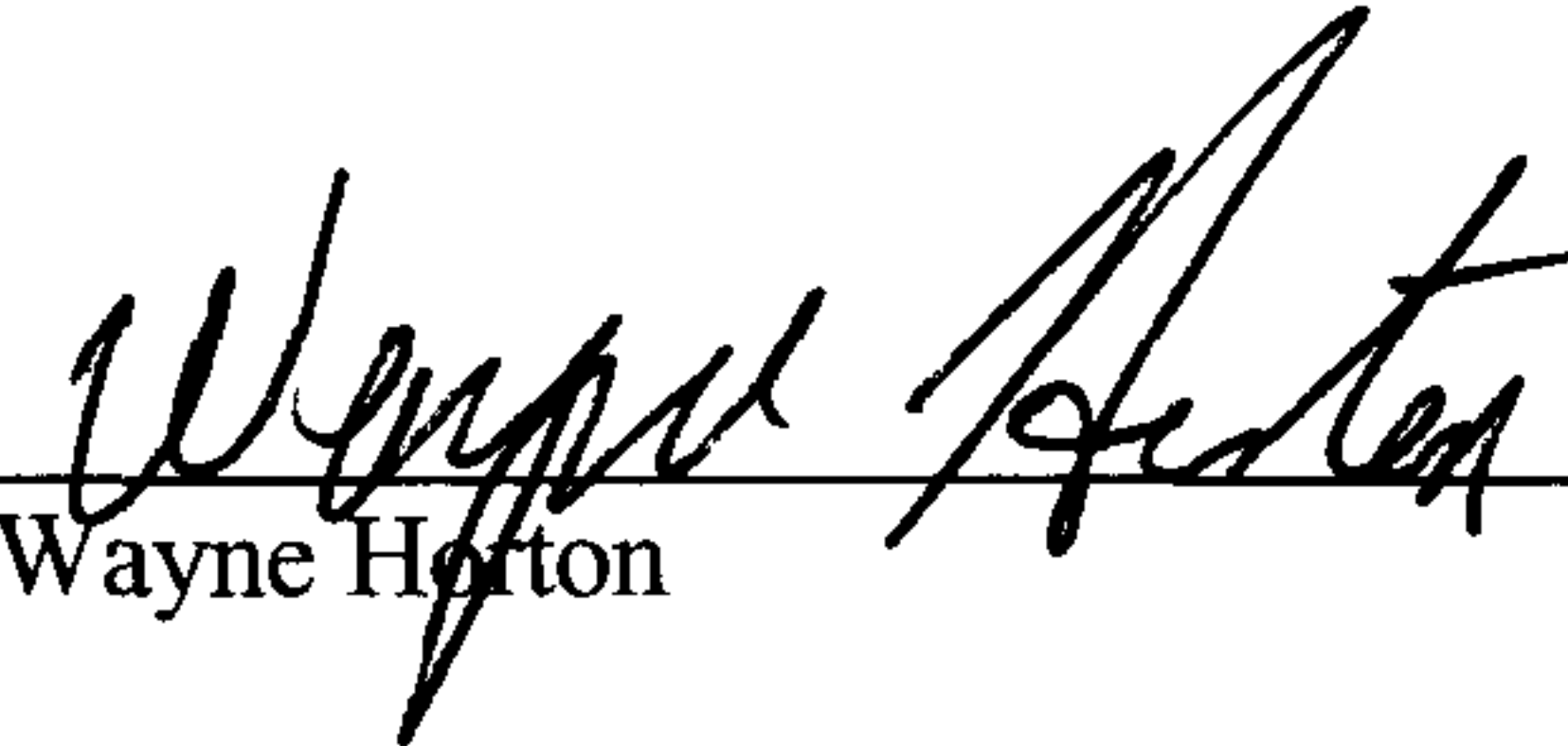
2248.04 feet; thence proceed North 88° 45' 44" East for a distance of 1314.87 feet; thence South 49° 36' 10" East for a distance of 1704.64 feet; thence proceed South 61° 29' 54" East for a distance of 1165.32 feet to the centerline of said easement and the point of beginning. From this beginning point proceed South 33° 43' 25" West along the centerline of said easement for a distance of 72.98 feet; thence proceed South 38° 10' 10" West along the centerline of said easement for a distance of 138.82 feet; thence proceed South 36° 04' 36" West along the centerline of said easement for a distance of 357.45 feet; thence proceed South 35° 41' 07" West along the centerline of said easement for a distance of 183.22 feet; thence proceed South 25° 05' 44" West along the centerline of said easement for a distance of 52.01 feet; thence proceed South 14° 53' 10" West along the centerline of said easement for a distance of 106.95 feet; thence proceed South 23° 23' 44" West along the centerline of said easement for a distance of 67.16 feet; thence proceed South 47° 12' 40" West along the centerline of said easement for a distance of 85.14 feet; thence proceed South 46° 51' 51" West along the centerline of said easement for a distance of 66.49 feet; thence proceed South 54° 00' 26" West along the centerline of said easement for a distance of 91.82 feet; thence proceed South 39° 41' 16" West along the centerline of said easement for a distance of 150.14 feet; thence proceed South 34° 46' 38" West along the centerline of said easement for a distance of 122.03 feet; thence proceed South 30° 59' 45" West along the centerline of said easement for a distance of 122.59 feet; thence proceed South 42° 37' 20" West along the centerline of said easement for a distance of 141.74 feet; thence proceed South 14° 49' 18" West along the centerline of said easement for a distance of 136.41 feet; thence proceed South 16° 16' 32" West along the centerline of said easement for a distance of 359.47 feet; then proceed South 28° 57' 18" West along the centerline of said easement for a distance of 112.28 feet; thence proceed South 36° 13' 31" West along the centerline of said easement for a distance of 431.18 feet; thence proceed South 37° 19' 57" West along the centerline of said easement for a distance of 311.72 feet to its point of intersection with the Northerly right-of-way of Shelby County Highway 25 and the termination of said easement.


**WHEREAS**, the Dominant Tenement Owner desires a non-exclusive easement and right of way across the Servient Tenement for location of a water line serving the Dominant Tenement.

**NOW THEREFORE** for and in consideration of the foregoing, for Ten Dollars, and other good and valuable consideration, in hand paid, the Servient Tenement Owner hereby grants, bargains, sells, and conveys unto Dominant Tenement Owner, and its successors and assigns a non-exclusive easement, license, and right-of-way upon, under, over, across, and through the Servient Tenement for the location of a water line serving and benefiting the Dominant Tenement. This easement, license, and right of way shall run with the land, and be for the construction, maintenance and location of a water line. The title owner of the Servient Tenement shall maintain, at their own costs, the surface of the Servient Tenement in good condition and repair, and available for the uses set forth herein. The title owner of the Dominant Tenement shall construct, and maintain, at their own costs, the water line to be located in the Servient Tenement in good condition and repair, and shall upon construction and location of this water line

restore the surface of the Servient Tenement to surface conditions similar to what existed prior to such construction.

**IN WITNESS WHEREOF**, we the owners of Servient Tenement have signed and sealed this Water Line Easement Agreement on the 30 day of July, 2004.

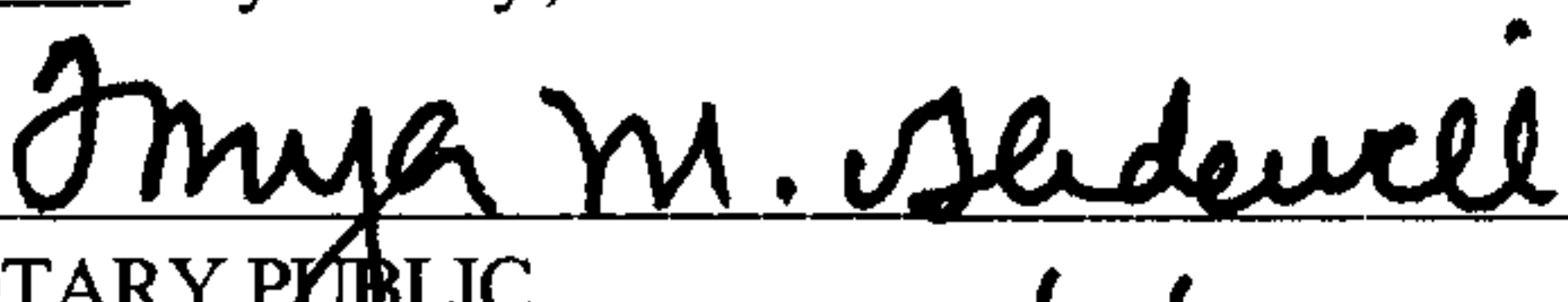
  
Wayne Horton

  
Myra Gayle Horton

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Wayne Horton and Myra Gayle Horton, 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 this instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 30 day of July, 2004.

  
NOTARY PUBLIC  
My Commission Expires: 8/5/04

THIS INSTRUMENT PREPARED (without the benefit of survey or title search) BY AND AFTER RECORDATION SHOULD BE RETURNED TO:  
William B. Hairston III  
Engel, Hairston, & Johanson P.C.  
P.O. Box 11405  
Birmingham, AL 35202  
(205) 328-4600