20050504000212330 1/3 $20.00
Shelby Cnty Judge of Probate,AL
05/04/2005 08:20:16AM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

WAIVER OF RESTRICTION AND FURTHER IMPOSITION OF RESTRICTIONS

The undersigned, having an interest in real property located in Shelby County, Alabama more particularly described as Lot 2, Dewberry=s Subdivision as recorded in Map Book 9, Page 11 in the Probate Office of Shelby County, Alabama, the title of which came from Dewberry Real Estate Company, Inc., ("Dewberry") hereby acknowledge that Dewberry created restrictions appearing in Book 320, Page 427 Office of the Judge of Probate, Shelby County, Alabama (the "Restrictions") which Restrictions in Paragraph 2 of said deed only allow certain uses (the "Uses") of the real property described as Lot B, according to the Survey of Spectrum-280 Subdivision, as recorded in Map Book 32, Page 111 in the Probate Office of Shelby County, Alabama (the "Restricted Property").

For good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the undersigned, for the undersigned and the successors and assigns of the undersigned do hereby agree that the Restricted Property may be used as a car wash facility in addition to the Uses, and for no other use, so long as the following conditions and restrictions remain satisfied with respect to the Restricted Property:

1. Access to the Restricted Property from Dewberry Drive shall be for ingress only and the Restricted Property shall not use Dewberry Drive for a means of egress to U.S. Highway 280; and
2. No building shall be constructed on the Restricted Property which is more than 25 feet in height; and
3. Subject to the approval of applicable governmental authorities, any retaining wall constructed on the Restricted Property shall be constructed of birch colored interlocking, rough faced concrete blocks, commonly known as Keystone Block similar to those used on the exterior of the Home Depot facility on U.S. Highway 280 in Birmingham, Alabama; and
4. No garbage collection shall be conducted on the Restricted Property which uses Dewberry Drive as a means of access; and
5. In the event an easement is granted from the owner of the real property located immediately west of the Restricted Property in order to access Inverness Center Drive from Dewberry Drive, such easement shall be for egress only from Dewberry Drive to Inverness Center Drive.
6. Maintenance. All improvements to be erected or installed on the Restricted Property shall be erected and installed in accordance with the Site Plan attached hereto as **Exhibit A**, and all such improvements and installations shall be maintained in a first-class condition consistent with the maintenance of other commercial facilities located on Highway 280 East in close proximity to the Restricted Property. In the event of a casualty to any improvements on the Restricted Property, the owner thereof shall promptly (a) restore such improvement, (b)

20050504000212330 2/3 $20.00
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redevelop the site in accordance with the Use Restrictions or (c) raze such improvements and place the Restricted Property in a grassed and orderly condition.

7. To the extent Osborn's property adjacent to the Restricted Property is encumbered by restrictions similar to those waived herein, DLR agrees to execute a waiver of such restrictions in favor of Osborn at any such time as Osborn shall designate.

Done this 11th day of February, 2005.

Mark E. Osborn

STATE OF Florida)
Walton COUNTY)

I, the undersigned, a Notary Public for the said state in said county do hereby certify that Mark E. Osborn, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

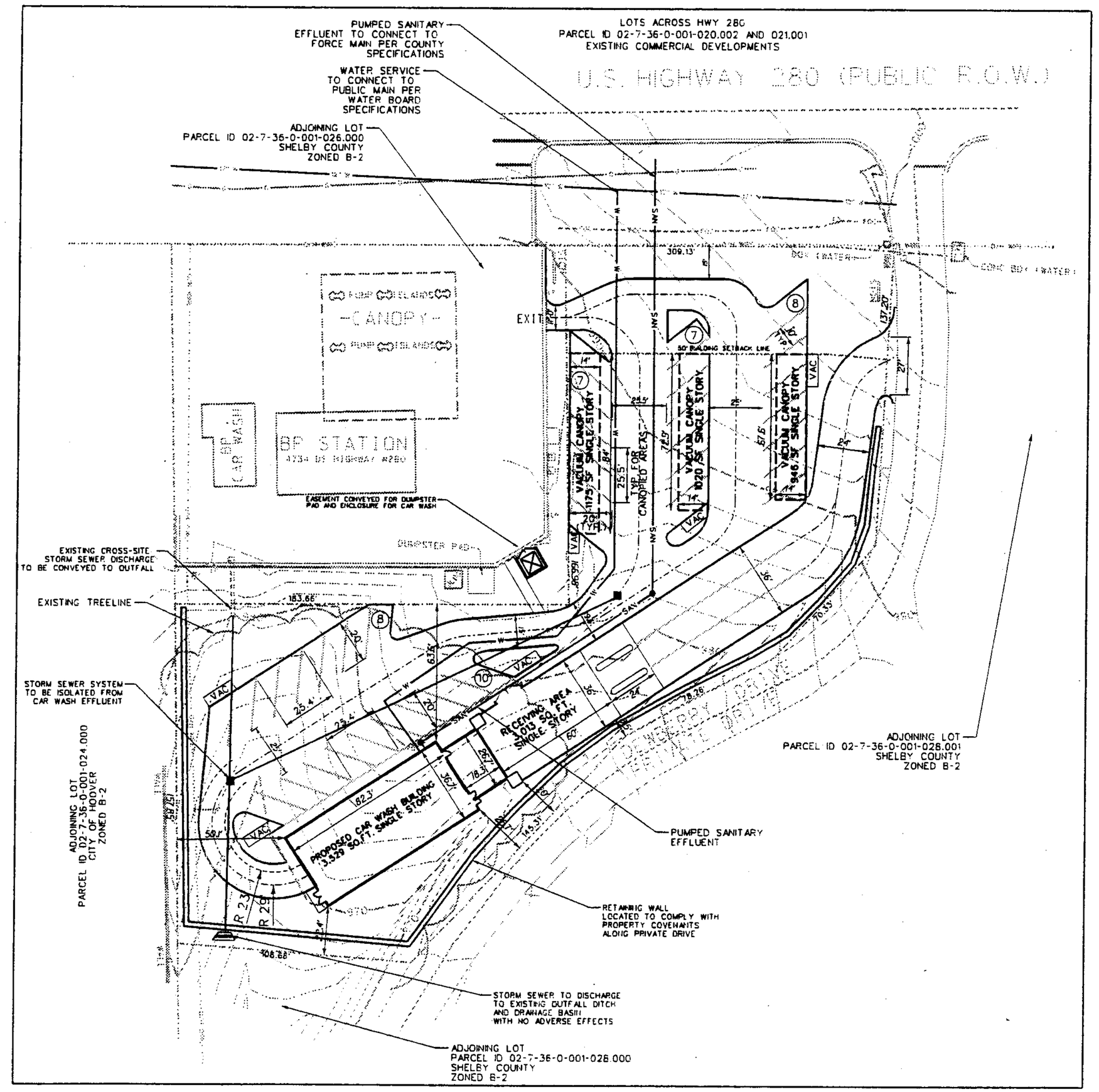
Given under my hand and official seal this 11th day of February, 2005.

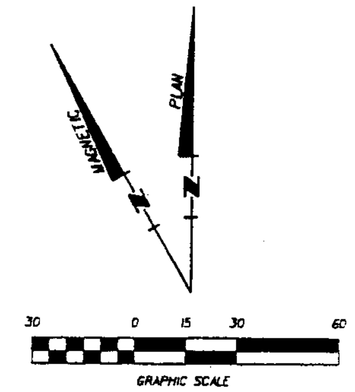
Diane E. Logsdon
Notary Public
My Commission Exp

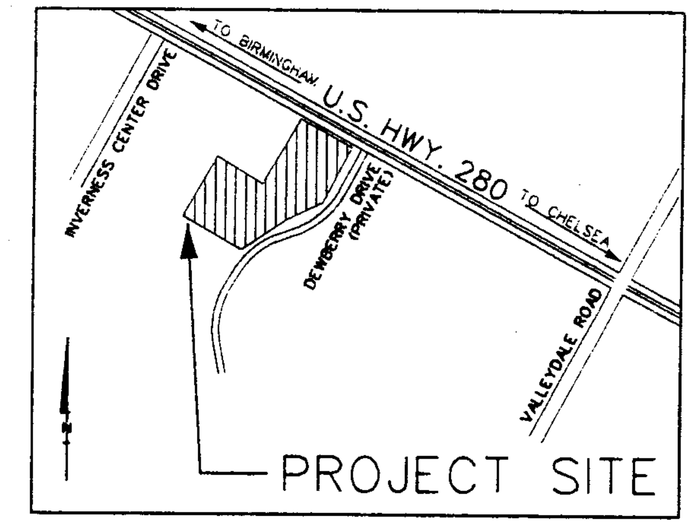
DIANE E. LOGSDON
MY COMMISSION # DD 302196
EXPIRES: June 16, 2008
Bonded Thru Notary Public Underwriters

B KLW 652963 v2
1034488-000001 02/10/05

EXHIBIT A







LOCATION MAP

N.T.S.

LANDSCAPE CALCULATIONS

- ALL AREAS IN SQUARE FEET -

TOTAL LOT AREA -	56,750	(1.30 AC.)	100%
TOTAL IMPERVIOUS AREA -	39,756	(0.91 AC.)	70%
TOTAL LANDSCAPED AREA -	16,994	(0.39 AC.)	30%
TOTAL PARKING LOT IMPERVIOUS AREA -	25,413	(0.58 AC.)	100%
INTERIOR LANDSCAPED AREA -	4,172	(0.10 AC.)	16%

SITE DATA

- ALL AREAS IN SQUARE FEET -

GROSS SITE AREA -	56,750	(1.30 AC.)	100%
NET SITE AREA -	56,750	(1.30 AC.)	100%
BUILDING AREA -	3,529	(0.08 AC.)	6%
CANOPIED AREA -	6,154	(0.14 AC.)	11%
TOTAL ROOFED AREA -	9,683	(0.22 AC.)	17%
PARKING SPACES REQUIRED -	15	(1 PER 250 SF)	
PARKING SPACES PROVIDED -	40		

LEGAL DESCRIPTION

LOT B OF THE SPECTRUM 280 SUBDIVISION AS RECORDED IN BOOK 32, PAGE 111, SHELBY COUNTY ALABAMA

ZONING DATA

PARCEL ID 02-7-36-0-001-026.001
SHELBY COUNTY
ZONED B-2

-NOT FOR CONSTRUCTION-
FOR COUNTY SITE PLAN REVIEW AND APPROVAL ONLY

OWNER:
DLR ASSOCIATES, LLC
6021 COCA-COLA BOULEVARD
COLUMBUS GEORGIA 31909
TEL. (706) 563-8110
FAX (706) 563-8138
CONTACT: LAMAR BECK

CONTRACTOR:
C.N. BAILEY AND COMPANY, INC.
211 KILSBY CIRCLE
BESSEMER, ALABAMA 35022
TEL. (205) 425-3335
FAX (205) 425-5224
CONTACT: MIKE BAILEY

CIVIL ENGINEER:
OUTDOOR ENGINEERING, INC.
3620 ROCKHILL ROAD
BIRMINGHAM, ALABAMA 35223
TEL. (205) 967-1799
FAX (205) 967-1743
CONTACT: C. ALLEN MAXWELL SR., P.E.

GOO-GOO CAR WASH

U.S. HIGHWAY 280 SHELBY COUNTY, ALABAMA

REVISIONS
1. 04/02/05 RELEASED FOR COUNTY APPROVAL

DATE 04/02/05

APPROVED	DRAWN	ENGINEERED	PATH/FILENAME	PROJECT NUMBER
		CAM Sr.	S:\Project Directories \CN Bailey & Company \ 04033-00\Cad\ 04033c001.dgn	04033-00

OUTDOOR ENGINEERING INC.
CONSULTING CIVIL ENGINEERS
3620 ROCKHILL ROAD
BIRMINGHAM, ALABAMA 35223
TEL (205) 967-1799
FAX (205) 967-1743
EMAIL: MAINOFFICE@OUTDOORENGR.COM

NOT FOR CONSTRUCTION ■
RELEASED FOR CONSTRUCTION □

SHEET TITLE: PROPOSED SITE PLAN

SHEET NUMBER: C-0.1

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