

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON  
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STATE OF ALABAMA  
SHELBY COUNTY

### COVENANTS AND RESTRICTIONS

WHEREAS, Pelham 19.5 Limited Partnership is the owner of the following described property, to-wit:

The Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 2, Township 20 South, Range 3 West. LESS AND EXCEPT: Beginning at the Northwest corner of Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , Section 2, Township 20 South, Range 3 West, run South along West line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 661.62 feet; thence turn an angle to the left and run parallel to the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 735 feet; thence turn an angle to the left and run 810 feet, more or less, to a point on the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section that is 85 feet West of the Northeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , Section 2, Township 20 South, Range 3 West; thence run Westerly along the North line of the said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section a distance of 1239.06 feet to the point of beginning.

ALSO, LESS AND EXCEPT THE FOLLOWING: Commence at the Southeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 2, Township 20 South, Range 3 West, Shelby County, Alabama and run thence Northerly along the East line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section a distance of 330.00 feet to the point of beginning of the property being described; thence continue along the last described course a distance of 481.67 feet to a point; thence turn an angle of 107 degrees 15 minutes 00 seconds to the left and run Southwesterly a distance of 630.12 feet to a point; thence turn an angle of 90 degrees 00 minutes 00 seconds to the left and run South-Southeasterly a distance of 460.00 feet to a point; thence turn an angle of 90 degrees 00 minutes 00 seconds to the left and run Northeasterly a distance of 487.29 feet to the point of beginning.

And

WHEREAS, said Pelham 19.5 Limited Partnership desires to condemn a right of way to serve the above described property across the following described easement, to-wit:

A sixty-foot easement for ingress and egress over the following described property, to-wit:

Commence at the NE corner of Lot 9, Royal Oaks Eighth Sector; thence South 78 degrees 43 minutes 3 seconds West a distance of 100.00 feet to the point of beginning; thence continue along last described course a distance of 100.00 feet; thence North 11 degrees 16 minutes 7 seconds West a distance of 60.00 feet; thence North 78 degrees 43 minutes 53 seconds East a distance of 100.00 feet; thence South 11 degrees 16 minutes 7 seconds East a distance of 60.00 feet to the point of beginning.

The easement shall be 60-feet in width, the center of which is described as extending 100 feet Westward from the Western most point of the centerline of Chase Drive, Pelham, Alabama, as platted in Map Book 24, Page 113, at the Judge of Probate Office of Shelby County, Alabama. The centerline follows an angle of 81 degrees West of due North.

And

Mike A.



WHEREAS, said Pelham 19.5 Limited Partnership has submitted a resolution to the City Council of the City of Pelham and to the Planning Commission of the City of Pelham, pursuant to Alabama Code Section 18-3-1 (1975), requesting their approval to commence said condemnation action; and

WHEREAS, the City Council of the City of Pelham and the Planning Commission of the City of Pelham will not approve the Resolution necessary to begin said condemnation action without covenants and restrictions on the development of subject property being in place.

NOW THEREFORE IN CONSIDERATION OF THE ABOVE PREMISES, Pelham 19.5 Limited Partnership does hereby agree and covenant with the City of Pelham as follows:

1. The above described property will be limited to development of no more than six (6) residential lots.
2. The easement which is the subject of the proposed condemnation action will be used to serve this property only and will not be opened up as a through-road to any other property.

IN WITNESS WHEREOF, Pelham 19.5 Limited Partnership has hereunto set its signature and seal, this 22<sup>nd</sup> day of May, 2006.

PELHAM 19.5 LIMITED PARTNERSHIP

by: Sam Schiffman, its Partner

STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Sam Schiffman, whose name as Partner of PELHAM 19.5 LIMITED 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited partnership.

Given under my hand and official seal, this 22<sup>nd</sup> day of May, 2006.

Notary Public

My commission expires: 3-19-06

