

VALUE \$5000



20060609000275960 1/3 \$22.00
Shelby Cnty Judge of Probate, AL
06/09/2006 04:26:17PM FILED/CERT

AN EASEMENT
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE
OF A SANITARY SEWER LINE

This EASEMENT, executed this 2 day of JUNE, 2006, for only the construction of a sanitary sewer line to be constructed and installed by LEXINGTON PARC DEVELOPMENT, LLC (hereinafter CONTRACTOR) and only for the operation and maintenance of a sanitary sewer line with appurtenances to be maintained by the MONTEVALLO WATER & SEWER BOARD (hereinafter OWNER) across the property of MIDNIGHT PROPERTIES, LLC (hereinafter LANDOWNER) as shown on the attached sketch is granted by the LANDOWNER to the CONTRACTOR and OWNER for valuable consideration, the receipt and sufficiency of which are acknowledged by the LANDOWNER, for itself and its successors, and assigns. LANDOWNER does hereby grant to CONTRACTOR AND OWNER:

One temporary easement to go with the land to allow the LEXINGTON PARC DEVELOPMENT, LLC as CONTRACTOR, its employees and agents to construct, and install a sanitary sewer line including the temporary right of access by the CONTRACTOR, its employees and agents and necessary related equipment with the obligation to leave the LANDOWNER'S property in good repair after completion of the sanitary sewer main. After completion of construction, LEXINGTON PARC DEVELOPMENT, LLC shall return all disturbed areas to the current existing finished grade and in compliance with the drawings and design of Martin Engineering, Inc.

One permanent easement to go with the land to allow the MONTEVALLO WATER & SEWER BOARD as OWNER, its officials, employees and agents to maintain, operate, and repair, the OWNER'S sewer line including the right of access by the OWNER, its employees and agents, or officials, and necessary related equipment. Included is the right to uncover the sewer line for maintenance with the obligation to leave the LANDOWNER'S property in good repair and in compliance with existing finished grade and in compliance with the drawings and design of Martin Engineering, Inc. after completion of any repair to the sewer line.

The easement is described as follows:

A 20 foot wide temporary construction easement, along with a ten (10) foot wide permanent easement for the operation, repair and maintenance of a sanitary sewer line by the Montevallo Water & Sewer Board follows:

**SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN AS IF SET OUT IN FULL**



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CONTRACTOR agrees to hold harmless and to indemnify LANDOWNER from and against any and all claims, suits, demands, causes of action, liens, judgments, liabilities, expenses, including attorneys' fees, and any other costs of any nature suffered, paid or incurred by LANDOWNER as a result of or in connection with any claims related to the construction, installation and maintenance of said sewer line within the above described easement.

Executed the date shown above.

LANDOWNER:

MIDNIGHT PROPERTIES, LLC

By: 

Its: 

WITNESS:



OWNER:

MONTEVALLO WATER & SEWER BOARD

By: 

Its: Manager

WITNESS:



CONTRACTOR:

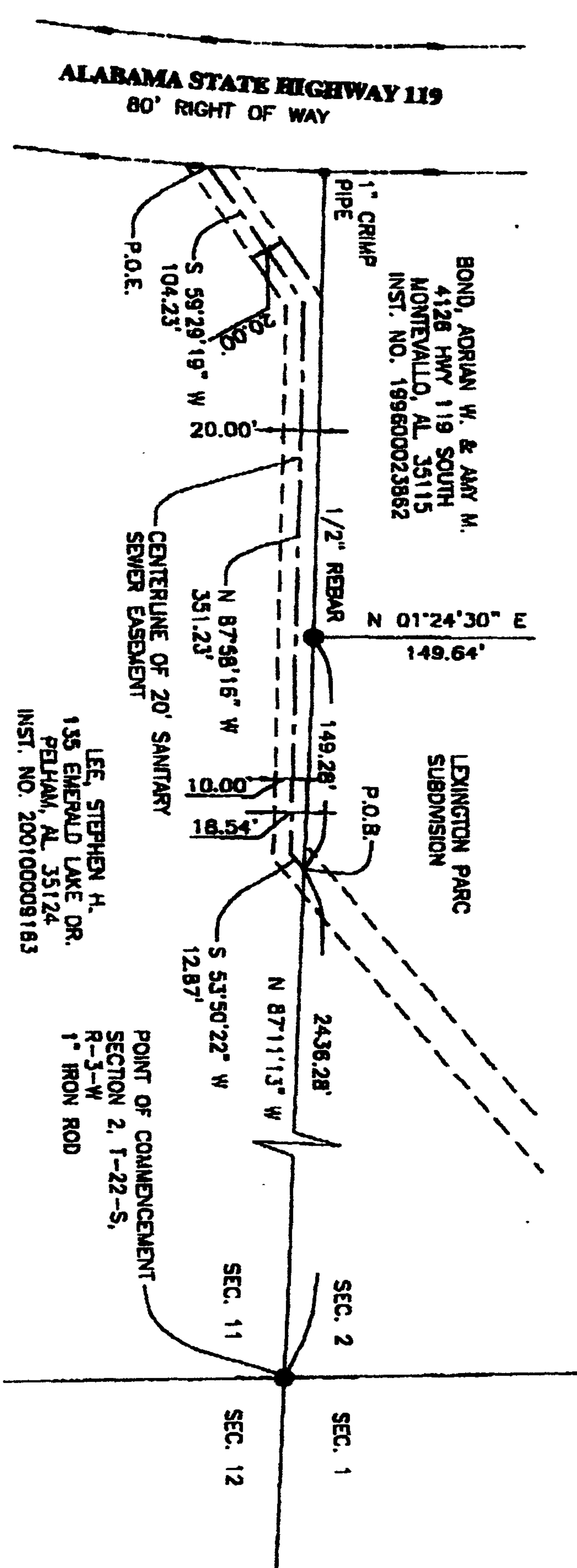
LEXINGTON PARC DEVELOPMENT, LLC

By: 

Its: MEMBER

WITNESS:





EASEMENT SURVEY:

STATE OF ALABAMA
COUNTY OF SHELBY

TO ALL INTERESTED PARTIES:
SCALE 1" = 100'

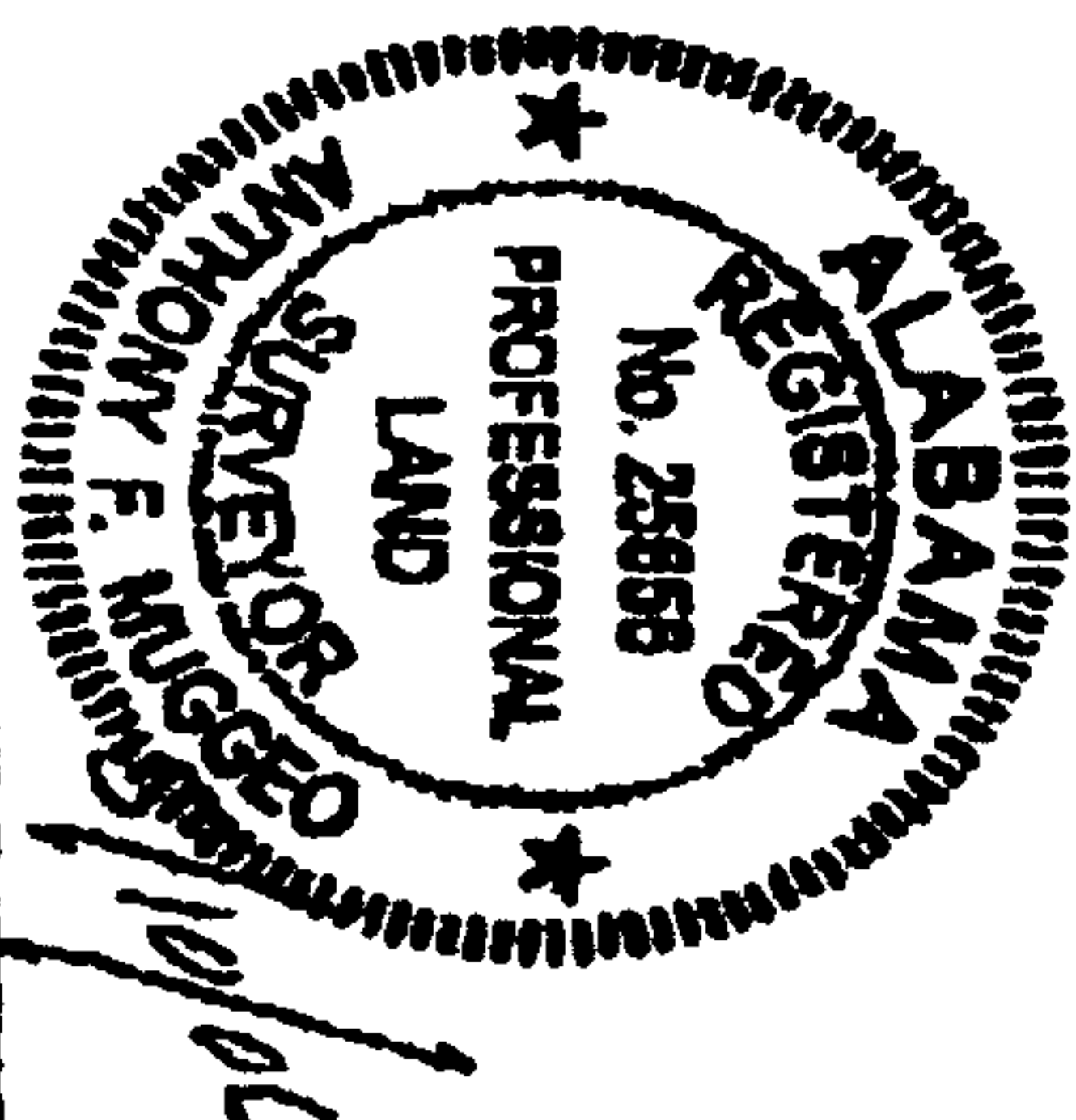
I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Sanitary Sewer Easement
An Easement lying in Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 1" Iron Rod at the Northeast corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama; thence run N 87°11'13" W along said Section line a distance of 2438.28 feet to the Point of Beginning of a sanitary sewer easement lying 10 feet on the South side of the following describe centerline, and bounded on the North by said Section line; thence leaving said Section line run S 53°50'22" W a distance of 12.87 feet to a point; thence run N 87°58'16" W a distance of 351.23 feet to a point; thence, with said sanitary sewer easement being 20 feet in width, and lying 10' on each side of, and parallel to the the following described centerline, run S 59°29'19" W a distance of 104.23 feet to a point on the Easterly Right-of-Way of Alabama State Highway 119 and the Point of Ending. Said easement contains 0.21 acres, more or less.

GIVEN UNDER MY HAND AND SEAL, this the 10th day of May, 2006.

Anthony F. Muggoo
Anthony F. Muggoo
Alabama-Registered No. 25658



PROJECT NO. 04-443

TYPE OF SURVEY
EASEMENT EXHIBIT

CLIENT
LEXINGTON PARC, LLC
HIGHWAY 119
MONTEVALLO, ALABAMA

DATE: 05/08/06	DRAWN: AFM	CHKD: WHS	SCALE: 1:100'
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SMM
sommerville muggoo webb
engineering group, inc.

SMM Engineering Group Inc.
208 Oak Mountain Circle
Pelham, Alabama 35124
(205) 250-6000
Fax: (205) 250-1504

[Handwritten signatures]