

STATE OF ALABAMA)
 :
SHELBY COUNTY)

CEMETERY ACCESS EASEMENT

THIS CEMETERY ACCESS EASEMENT from **SHELBY COMMERCE PARK, LLC**, an Alabama limited liability company (the "Grantor") to the **CITY OF CALERA, ALABAMA**, a municipal corporation under the laws of the State of Alabama (the "City").

WITNESSETH:

The Grantor is the owner of the land in Shelby County, Alabama more particularly described on Exhibit A attached hereto and incorporated herein which was conveyed to it by General Warranty Deed recorded as Instrument No. 20070703000313230 in the Shelby County Probate Office. Prior to such conveyance the grantors in such deed conveyed to the City the property more particularly described on Exhibit B attached hereto and incorporated herein (the "Cemetery") by Warranty Deed recorded as Instrument No. 20070416000174190 in said Probate Office, together with a strip of land between the Cemetery and U.S. Highway 31. It has been determined that such strip of land is not adequate for access to the Cemetery. The parties have agreed, therefore, that the City will convey such strip of land to the Grantor in exchange for the easement granted herein.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the City and its successors and assigns a permanent and non-exclusive easement (the "Easement") over and across land more particularly described on Exhibit C attached hereto and incorporated herein (the "Easement Area") for access to and ingress and egress to and from the Cemetery upon and subject to the terms stated herein.

The Easement shall provide pedestrian and vehicular access to and ingress and egress to and from the Cemetery over and across the Easement Area to and from U.S. Highway 31.

The purpose of the Easement is only for pedestrian and vehicular access to the Cemetery and for parking for visitors to the Cemetery, and the City shall not have the right to use the Easement for any other purpose or to grant to any person or entity any rights in the Easement or to the Easement Area.

Shelby County, AL 10/16/2007
State of Alabama

Deed Tax: \$.50

The City shall not have the right to pave or otherwise improve the Easement Area.

The City shall not erect or construct any gate, fence, structure or obstruction within the Easement Area. The Grantor shall have free and unlimited access over and across the Easement Area and shall have the right to pave, improve, and otherwise construct and maintain utility facilities and other improvements within the Easement Area that are not inconsistent with the intent of this Easement..

The Easement is a private easement only and shall not be construed as a dedication of the Easement Area or in any way to create any rights in or for the benefit of the general public or in any party other than the City.

The Easement shall automatically terminate if the Cemetery shall ever be relocated to another location.

TO HAVE AND TO HOLD unto the City, subject, however, to all existing easements, restrictions, rights of way and other matters of record applicable to the Easement Area.

IN WITNESS WHEREOF, the Grantor has caused this Easement to be duly executed on this 10 day of October, 2007.

SHELBY COMMERCE PARK, LLC

By H. Michael Graham
Its Member

STATE OF ALABAMA

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:

JEFFERSON COUNTY

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20071016000478740 3/6 \$26.50
Shelby Cnty Judge of Probate, AL
10/16/2007 08:20:21AM FILED/CERT

I, the undersigned, a notary public in and for said county in said state, hereby certify that H. MICHAEL GRAHAM, whose name as a Member of SHELBY COMMERCE PARK, 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, as such Member 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 10 day of October, 2007.

Melanie N. Daily
Notary Public

[NOTARIAL SEAL]


My commission expires: 1-26-08

Prepared by:

Meade Whitaker, Jr.
1819 Fifth Avenue North
Birmingham, Alabama 35203


EXHIBIT A

GRANTOR'S PROPERTY


20071016000478740 4/6 \$26.50
Shelby Cnty Judge of Probate, AL
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Being part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 28 and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 21 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows; Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 21 South, Range 2 West, Shelby County, Alabama and run East along the North line of same 1361.66 feet to the Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence an interior angle of $180^{\circ}20'45''$ and run to the left in an Easterly direction along the North line of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 28, Township 21 South, Range 2 West, Shelby County, Alabama 594.44 feet to a point on the Southwesterly Right of Way of U.S. Highway No. 31; thence an interior angle of $107^{\circ}17'24''$ and run to the right in a Southeasterly direction along said Right of Way 761.58 feet to a point; thence an interior angle of $81^{\circ}00'06''$ and run to the right in a Southwesterly direction 83.57 feet to a point; thence an interior angle of $93^{\circ}14'08''$ and run to the right in a Northwesterly direction 47.59 feet to a point being the Northeasterly corner of an existing cemetery and Parcel - 2, as described herein; thence an interior angle of $267^{\circ}04'14''$ and run to the left in a Southwesterly direction along the Northerly line of said cemetery and Parcel - 2, 170.22 feet to a point being the Northwesterly corner of said cemetery and Parcel - 2; thence an interior angle of $272^{\circ}55'46''$ and run to the left in a Southeasterly direction along the Westerly line of said cemetery and Parcel - 2; 113.53 feet to a point being the Southwest corner of said cemetery and Parcel - 2; thence an interior angle of $266^{\circ}30'01''$ and run to the left in a Northeasterly direction along the Southerly line of said cemetery and Parcel - 2; 170.32 feet to the Southeasterly corner of said cemetery and Parcel - 2; thence an interior angle of $273^{\circ}29'59''$ and run to the left in a Northwesterly direction along the Easterly line of said cemetery and Parcel - 2; 47.60 feet; thence an interior angle of $86^{\circ}45'52''$ and run to the right in a Northeasterly direction 85.60 feet to a point on said Southwesterly Right of Way of U.S. Highway No. 31; thence an interior angle of $98^{\circ}59'54''$ and run to the right in a Southeasterly direction along said Right of Way 197.19 feet to the Point of Curve of a curve to the right, having a radius of 1098.79 feet and a central angle of $6^{\circ}05'20''$; thence continue in a Southeasterly direction along said Right of Way and the arc of said curve 116.77 feet to a point on said curve and Right of Way being the Northeasterly corner of Lot 1, of Shelby Commerce Park, as recorded in Map Book 31, Page 138 in the Probate Office of Shelby County, Alabama; thence an interior angle of $79^{\circ}03'54''$ from the tangent of said point on curve and run to the right in a Westerly direction along the North line of said Lot 1, 878.11 feet to a point on the Westerly line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence an interior angle of $181^{\circ}31'58''$ and run to the left in a Westerly direction continuing along the North line of said Lot 1, 1152.88 feet to the Northwesterly corner of said Lot 1, being on the Northeasterly Right of Way of CSX Transportation Railroad Right of Way; thence an interior angle of $115^{\circ}17'30''$ and run to the right in a Northwesterly direction along said Right of Way 531.91 feet to a point; thence an interior angle of $153^{\circ}11'52''$ and run to the right in a Northerly direction along the Easterly line of property of Chemical Lime Company of Alabama, Inc., 622.84 feet to the Point of Beginning.

EXHIBIT B
CEMETERY


20071016000478740 5/6 \$26.50
Shelby Cnty Judge of Probate, AL
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Part of the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 21 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows; Commence at the Northwest corner of the Northwest 1/4 of Southwest 1/4 of Section 28, Township 21 South, Range 2 West, Shelby County, Alabama and run in a Easterly direction along the North line of same 594.44 feet to a point on the Southwesterly Right of Way of U.S. Highway No. 31; thence an deflection angle right of $72^{\circ}42'36''$ and run in a Southeasterly direction along said Right of Way 830.38 feet; thence a deflection angle right of $99^{\circ}15'45''$ and run in a Southwesterly direction 90.51 feet to the Point of Beginning of herein described parcel; thence continuing along last described course 170.32 feet; thence an interior angle of $93^{\circ}29'59''$ and run to the right in a Northwesterly direction 113.53 feet; thence an interior angle of $87^{\circ}04'14''$ and run to the right in a Northeasterly direction 170.22 feet; thence an interior angle of $92^{\circ}55'55''$ and run to the right in a Southeasterly direction 115.23 feet to the Point of Beginning.

EXHIBIT C


20071016000478740 6/6 \$26.50
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EASEMENT AREA

An Ingress/Egress Easement for access and parking, being situated in the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 21 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows; Commence at the Northwest corner of said 1/4 - 1/4 section and run East along the North line of same 594.44 feet to a point on the Southwesterly Right of Way of U.S. Highway No. 31; thence a deflection angle right of $72^{\circ}42'36''$ and run in a Southeasterly direction along said Right of Way 692.82 feet to the Point of Beginning of herein described Ingress/Egress Easement; thence continue along last described course and Right of Way 137.56 feet; thence an interior angle of $80^{\circ}44'15''$ and run to the right in a Southwesterly direction 90.51 feet; thence an interior angle of $93^{\circ}30'08''$ and run to the right in a Northwesterly direction 115.23 feet; thence an interior angle of $267^{\circ}04'05''$ and run to the left in a Southwesterly direction 36.02 feet; thence an interior angle of $90^{\circ}00'00''$ and run to the right in a Northwesterly direction 20.00 feet; thence an interior angle of $90^{\circ}00'00''$ and run to the right in a Northeasterly direction 111.63 feet to the Point of Beginning.