

This instrument was prepared by:

Grantee's address:

545 Main Street

Montevallo, AL 35115

William R. Justice

P.O. Box 587, Columbiana, Alabama 35051



20081105000427750 1/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
11/05/2008 08:42:35AM FILED/CERT

## **GRANT OF EASEMENT**

### **STATE OF ALABAMA**

### **SHELBY COUNTY**

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One and no/100 DOLLARS (\$1.00) to the undersigned GRANTOR in hand paid by the GRANTEE herein, the receipt whereof is acknowledged, and in further consideration of the benefits to be obtained by GRANTOR from the improvements to be made by the GRANTEE, the undersigned Robert B. Hughes, Jr. and Elaine W. Hughes, husband and wife (herein referred to as GRANTOR, whether one or more) do grant, bargain, sell and convey unto the City of Montevallo, Alabama (herein referred to as GRANTEE, whether one or more) an exclusive easement for the following described purposes on, over, and under that portion of the following described real estate owned by GRANTOR, which real estate is situated in Shelby County, Alabama, to-wit:

A parcel of real estate lying in the SW 1/4 of Section 21, Township 22 South, Range 3 West, City of Montevallo, Shelby County, Alabama, and being more particularly described as follows:

Commence at a 1/4" rebar found in place on the Southeast right-of-way line of Valley Street, being N 52° 11' 31" E a distance of 79.36 feet from the intersection of said Southeast right-of-way line and the Northwest right-of-way line of Shelby Street; thence run N 52° 11' 31" E along said right-of-way line for a distance of 117.31 feet to the Point of Beginning; thence continue N 52° 11' 31" E for a distance of 27.33 feet to a point; thence S 37° 48' 29" E for a distance of 145.60 feet to a point; thence N 51° 49' 21" E for a distance of 29.43 feet to a point; thence S 37° 51' 55" E for a distance of 59.91 feet to a point; thence S 52° 08' 05" W for a distance of 92.79 feet to a point; thence N 37° 50' 27" W for a distance of 19.97 feet to a point; thence S 52° 09' 33" W for a distance of 25.78 feet to a point; thence S 37° 50' 27" E for a distance of 34.94 feet to a point; thence S 52° 09' 33" W for a distance of 30.78 feet to a point; thence N 37° 50' 27" W for a distance of 25.08 feet to a point; thence S 52° 09' 33" W for a distance of 26.45 feet to a point; thence S 37° 50' 27" E for a distance of 25.08 feet to a point; thence S 52° 09' 33" W for a distance of 22.56 feet to a point; thence N 37° 50' 27" W for a distance of 15.26 feet to a point; thence S 52° 09' 33" W for a distance of 54.12 feet to a point on the Northeast right-of-way line of Shelby Street; thence N 37° 48' 29" W along said right-of-way line for a distance of 55.20 feet to a point; thence S 52° 11' 31" W for a distance of 4.00 feet to a point; thence N 36° 39' 44" W for a distance of 26.47 feet to a point; thence N 51° 44' 23" E for a distance of 160.65 feet to a point; thence N 38° 13' 58" W for a distance of 69.82 feet to a point; thence N 51° 58' 58" E for a distance of 39.21

feet to a point; thence N 38° 01' 02" W for a distance of 52.31 feet to the Point of Beginning. Said above described real estate contains 0.60 acres, more or less.

A plat of said real estate is attached hereto as Exhibit A.

The easement granted herein is given to GRANTOR in conjunction with a project known as the Merchants' Alley, in order to beautify and improve the above described real estate, revitalize the downtown, and provide an area in downtown Montevallo for the general public to use as a walkway and park. In furtherance of the Merchants' Alley project, the easement granted herein is for the following described purposes: pedestrian and vehicular ingress and egress; installation and maintenance of utilities and drainage facilities (not including maintenance of existing utilities); construction and maintenance of parking spaces and paving; planting and maintenance of trees, shrubs, flowers, and landscaping, and installation and maintenance of sprinkler systems; installation and maintenance of pedestrian walkways, benches, lights, and similar fixtures; and any other use, fixture or appliance related to such purposes in order for GRANTOR to construct, repair, and maintain, and for GRANTOR and the general public to utilize, the Merchants' Alley project.

TO HAVE AND TO HOLD to the said GRANTEE, its successors and assigns forever.

And GRANTOR does for GRANTOR and for GRANTOR'S heirs, executors, and administrators covenant with the said GRANTEE and GRANTEE'S successors and assigns, that GRANTOR is lawfully seized in fee simple of said premises; that they are free from all encumbrances unless otherwise noted above; that GRANTOR has a good right to sell and convey the same as aforesaid; that GRANTOR will and GRANTOR'S heirs, executors and administrators shall warrant and defend the same to the said GRANTEE and GRANTEE'S successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto set GRANTOR'S hand and seal, this  
30 day of September, 2008.

Robert B. Hughes, Jr.  
Robert B. Hughes, Jr.

Elaine W. Hughes  
Elaine W. Hughes

STATE OF ALABAMA  
SHELBY COUNTY

General Acknowledgment

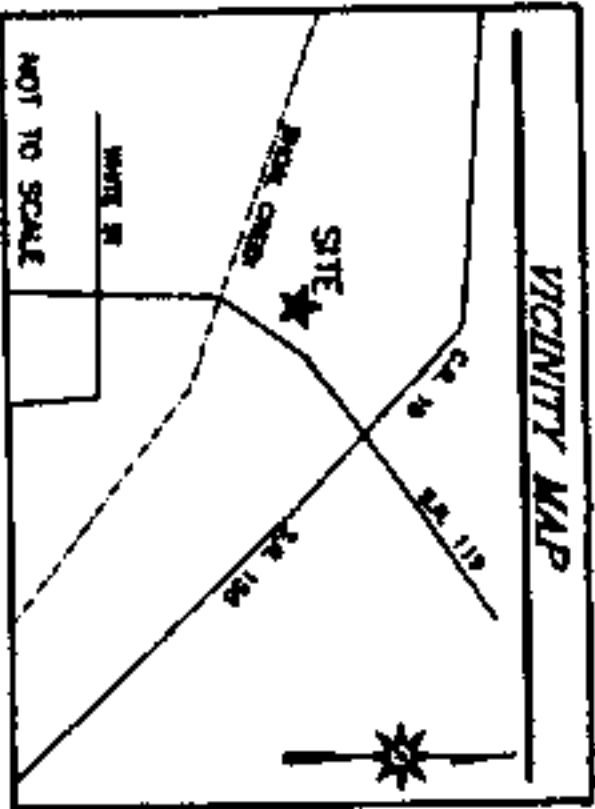
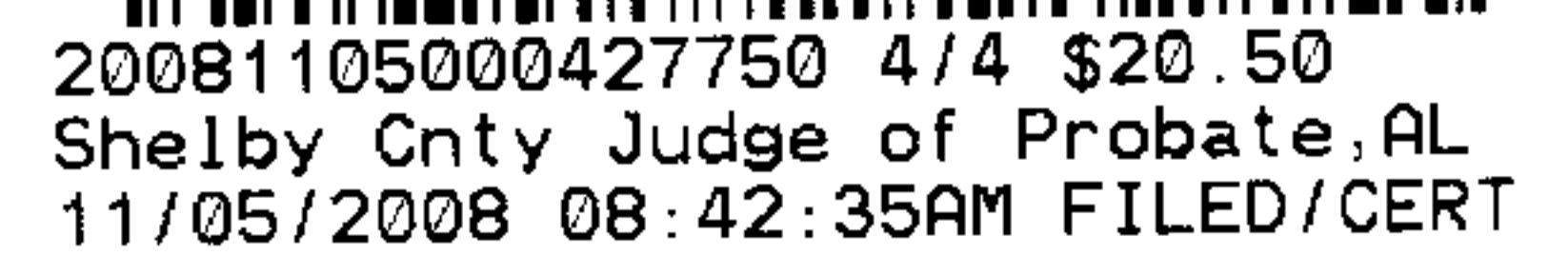
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert B. Hughes, Jr. and Elaine W. Hughes, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30 day of September, 2008.

*Wendy Bates*

Notary Public

**MY COMMISSION EXPIRES 10/31/2011**



**SURVEYOR'S NOTES**

[illegible]

STATE OF ALABAMA  
COUNTY OF SHELBY

I hereby state that all parts of the 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.

**LEGAL DESCRIPTION**  
**ACCESS & UTILITY EASEMENT (AS SUBJECTED)**

An easement lying in the SW 1/4 of Section 21, Township 22 South, Range 3 West, City of Muskogee, Shreve County, Alabama and being more particularly described as follows:

[illegible]

**SMW Engineering Group, Inc.**  
208 Oak Mountain Circle  
Pelham, Alabama 35124  
(205) 252-6985  
Fax: (205) 320-1504

|                           |                 |                   |                 |
|---------------------------|-----------------|-------------------|-----------------|
| TYPE OF SURVEY            |                 | EASEMENT          |                 |
| CLIENT CITY OF MONTEVALLO |                 |                   |                 |
| 545 MAIN STREET           |                 |                   |                 |
| MONTEVALLO, ALABAMA 35115 |                 |                   |                 |
| APPROVED<br>WHS           | DESIGNED<br>N/A | DRAWN<br>BC       | CHECKED<br>AAK  |
| DATE<br>08/26/08          |                 | SCALE<br>1" = 40' | SHEET<br>1 OF 1 |

| REVISIONS |                 |          |         |
|-----------|-----------------|----------|---------|
| NO.       | DESCRIPTION     | DATE     | REV. BY |
| 1         | REVISE BASEMENT | 06/28/06 | DEW V   |
|           |                 |          |         |
|           |                 |          |         |
|           |                 |          |         |
|           |                 |          |         |
|           |                 |          |         |