

STATE OF ALABAMA)
)
SHELBY COUNTY)


20120522000182050 1/13 \$48.00
Shelby Cnty Judge of Probate, AL
05/22/2012 12:18:24 PM FILED/CERT

FIRST AMENDMENT TO EASEMENT AGREEMENT
FOR INGRESS AND EGRESS

THIS FIRST AMENDMENT TO EASEMENT AGREEMENT FOR INGRESS AND EGRESS ("First Amendment") is entered into and made effective this 10th day of May, 2012 ("Effective Date"), by and between **Buck Creek Lodge No. 410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization ("Grantor")** and **The Young Men's Christian Association of Birmingham ("Grantee")**.

W I T N E S S E T H :

WHEREAS, the Grantor and Grantee executed an Easement Agreement for Ingress and Egress ("Agreement") on or about November 14, 2006; and

WHEREAS, Grantor and Grantee desire to amend the Agreement on the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the Premises and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Grantor and Grantee do hereby covenant and agree as follows:

1. **Rezoning**. The Grantee agrees, at its expense, to submit an application to the City of Alabaster to rezone the property described on Exhibit "A" attached hereto and made a part hereof ("**Rezoned Property**") from its current zoning of Institutional to a B-1 zoning classification, and to pursue the rezoning of the Rezoned Property. The Grantor agrees to cooperate with the Grantee in connection with the rezoning of the Rezoned Property.

2. **Road Construction**. Subject to the rezoning of the Rezoned Property as set forth in paragraph 1 above, Grantee shall have the right, at its expense, to construct, repair, replace, improve and maintain a roadway ("**Road**") in, over, on and across the Easement Property for the benefit and use of the Grantee, its employees, invitees, tenants, licensees, agents and guests for purposes of pedestrian and vehicular traffic to and from the Grantee's Property. The Road will be initially constructed in substantial accord with the plans and specifications attached hereto and made a part hereof as Exhibit "B" ("**Road Plans**"). The Grantee will maintain the Road after it is completed. The Grantor agrees to cooperate with the Grantee in connection with the exercise of its rights under this Agreement. The Grantor, its members, invitees, guests, successors and assigns reserve the right to use the Road for pedestrian and vehicular traffic so long as such use does not adversely affect Grantee's use of the Road for the purposes permitted herein.

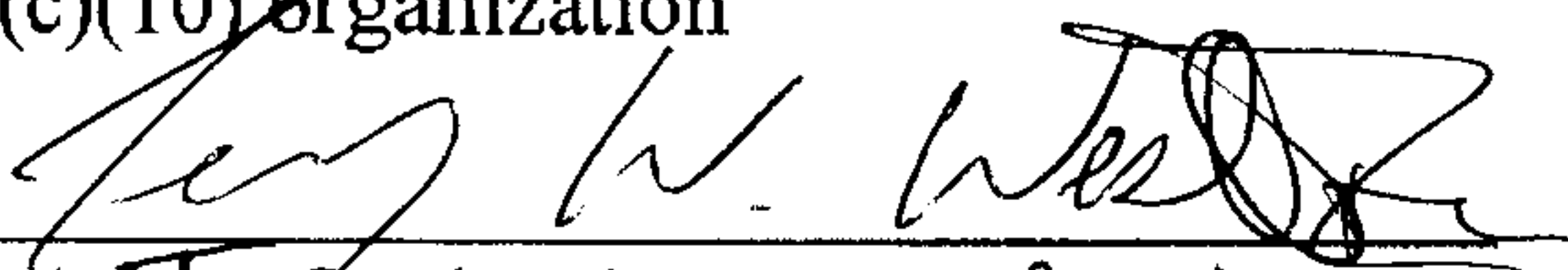
3. Construction Easement. In connection with the Grantee's right to construct, maintain, repair, replace and improve the Road, the Grantor hereby grants, bargains, sells and conveys to the Grantee a temporary construction easement on, over, through and across the property of the Grantor, which is more fully legally described on Exhibit "C" attached hereto and made a part hereof ("**Construction Easement**") for a period of nine (9) months from the Effective Date.

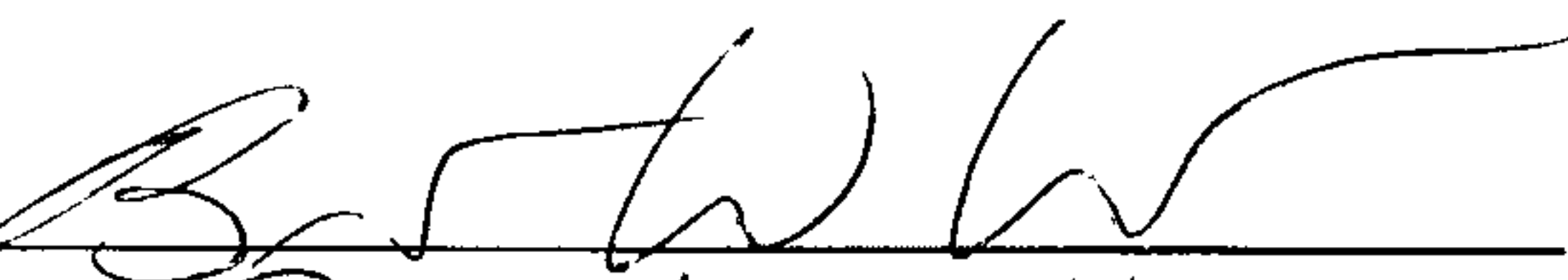
4. Conflict. In the event of any conflict between this First Amendment and the Agreement, the terms of this First Amendment apply.

5. Survival. Except as expressly set forth herein, all of the terms and provisions of the Agreement remain in full force and effect.

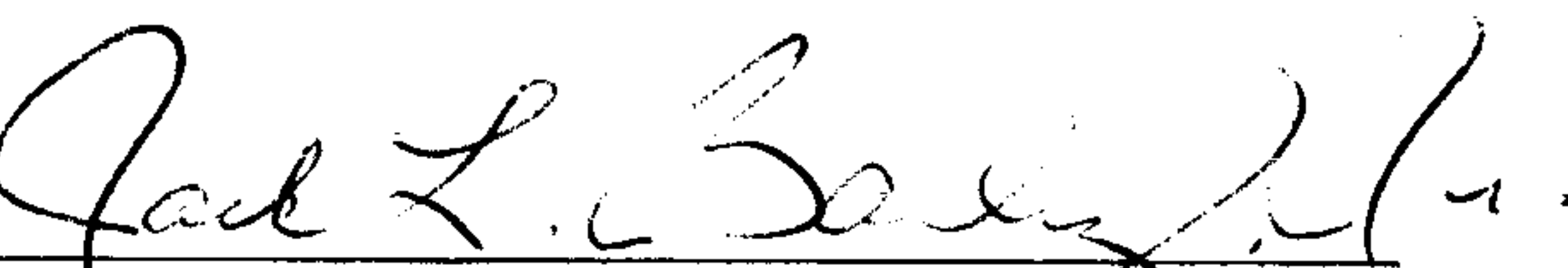
GRANTOR:

Buck Creek Lodge #410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization

By: 
Name: Terry W. Wester
Its: Worshipful Master

By: 
Name: Brian W. Wilkes
Its: Senior Warden

By: 
Name: Clint Tibb
Its: Junior Warden

By: 
Name: JACK L. BATCHY, JR.
Its: Immediate Past Master

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Terry W. West whose name as the **Worshipful Master of Buck Creek Lodge #410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization**, 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 Worshipful Master and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand this 10 day of May, 2012.

William A Berryman
Notary Public
My Commission Expires: May 23, 2015

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Brian W. Wilkes whose name as the **Senior Warden of Buck Creek Lodge #410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization**, 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 Senior Warden and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand this 10 day of May, 2012.

William A Berryman
Notary Public
My Commission Expires: May 23, 2015

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Clint Inby whose name as the **Junior Warden of Buck Creek Lodge #410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization**, 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 Junior Warden and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand this 10 day of May, 2012.

William A Berryman
Notary Public
My Commission Expires: May 23, 2015

STATE OF ALABAMA)
COUNTY OF SHELBY)

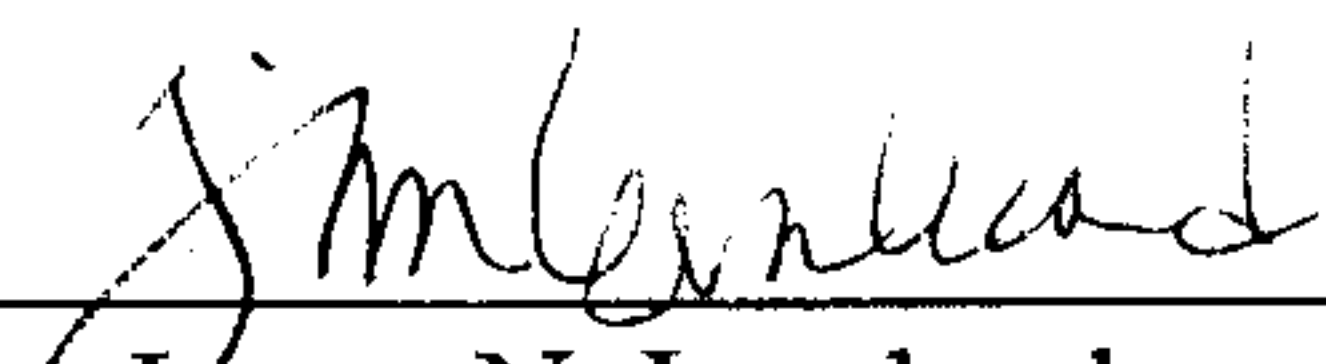
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jack L. Bailey Jr whose name as the **Immediate Past Master of Buck Creek Lodge #410, Free and Accepted Masons of Alabama, a chartered subordinate lodge working under the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, a Section 501(c)(10) organization**, 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 Immediate Past Master and with full authority, executed the same voluntarily for and as the act of said organization.

Given under my hand this 10 day of May, 2012.

William A. Berryman
Notary Public
My Commission Expires: May 23, 2015

GRANTEE:

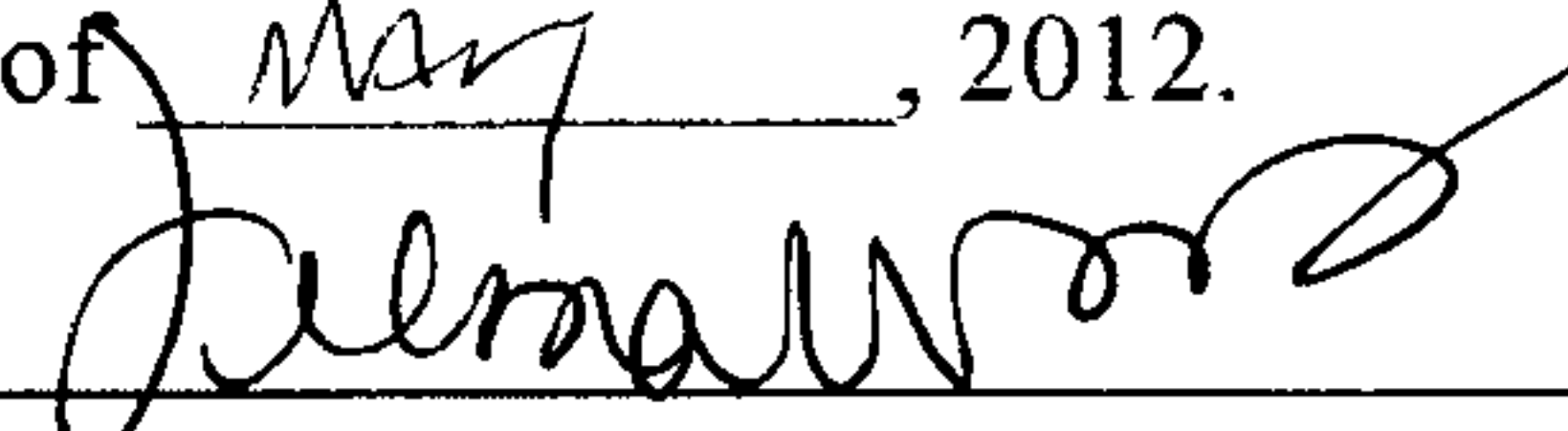
The Young Men's Christian Association of Birmingham

By: 
Name: James N. Lombard
Its: President/CEO

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James N. Lombard, whose name as the President/CEO of The Young Men's Christian Association of Birmingham, 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 corporation.

Given under my hand this 16th day of May, 2012.


Notary Public
My Commission Expires: 5/2/13

This Instrument Prepared by:
Steven A. Brickman
2311 Highland Avenue South
Birmingham, Alabama 35205
(205) 930-5171



EXHIBIT "A"

REZONED PROPERTY

**LEGAL DESCRIPTION
SHELBY COUNTY, ALABAMA**

A parcel of Land situated in the South half of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of Lot 2, YMCA Subdivision, as recorded in Map Book 37, page 115, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 77 degrees 25 minutes 04 seconds West along the North line of said Lot 2 for a distance of 77.79 feet to the Northernmost corner of said Lot 2 and a found capped rebar stamped CA #00065; thence run South 56 degrees 56 minutes 11 seconds West along the Northwestern-most line of said Lot 2 for a distance of 361.13 feet to a found capped rebar stamped CA #00065; thence run South 32 degrees 46 minutes 57 seconds East along the Westernmost line of said Lot 2 for a distance of 143.82 feet to a found chisel mark on curb; thence run South 87 degrees 52 minutes 23 seconds East along the South line of said Lot 2 for a distance of 203.19 feet to a found pk nail and a point on the Southern line of Plaza Circle (a private road and a non-exclusive easement for ingress and egress as shown on the Survey of S.M. Allen, dated March 14, 2000 and February 25, 2000 of Parcel 4), said point being a point on a curve to the left, said curve having a radius of 50.00 feet, a central angle of 115 degrees 29 minutes 15 seconds, a chord bearing of South 55 degrees 36 minutes 40 seconds East for a chord distance of 84.57 feet; thence run along arc of said curve and along the Southern line of Plaza Circle for a distance of 100.78 feet to a found GSA capped rebar and the point of commencement of a reverse curve to the right, said curve having a radius of 25.00 feet, a central angle of 14 degrees 01 minutes 09 seconds, a chord bearing of North 73 degrees 39 minutes 17 seconds East for a chord distance of 6.10 feet; thence run along arc of said curve for a distance of 6.12 feet to a found GSA capped rebar; thence run South 25 degrees 29 minutes 05 seconds West for a distance of 338.27 feet to a found GSA capped rebar; thence run South 57 degrees 22 minutes 35 seconds West for a distance of 90.00 feet to an iron pin set, said point being on the Eastern line of Buck Creek Landing, as recorded in Map Book 20, page 136, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 31 degrees 22 minutes 23 seconds West along the East line of said subdivision for a distance of 430.90 feet to a found capped rebar stamped CA #00065; thence leaving the Eastern line of said subdivision, run North 26 degrees 46 minutes 22 seconds East for a distance of 566.76 feet to the centerline of Buck Creek; thence run North 55 degrees 51 minutes 41 seconds East along the centerline of said Buck Creek for a distance of 46.90 feet; thence run North 33 degrees 02 minutes 10 seconds East along the centerline of said Buck Creek for a distance of 93.72 feet; thence run North 63 degrees 28 minutes 46 seconds East along the centerline of said Buck Creek for a distance of 66.29 feet; thence run North 82 degrees 38 minutes 54 seconds East along the centerline of said Buck Creek for a distance of 59.03 feet; thence run North 66 degrees 12 minutes 48 seconds East along the centerline of said Buck Creek for a distance of 34.18 feet; thence leaving the centerline of said Buck Creek, run South 45 degrees 37 minutes 58 seconds East for a distance of 28.76 feet; thence run South 08 degrees 54 minutes 34 seconds West for a distance of 304.85 feet to the POINT OF BEGINNING. Said parcel contains 200,317 square feet or 4.60 acres more or less.



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EXHIBIT "B"

ROAD PLANS

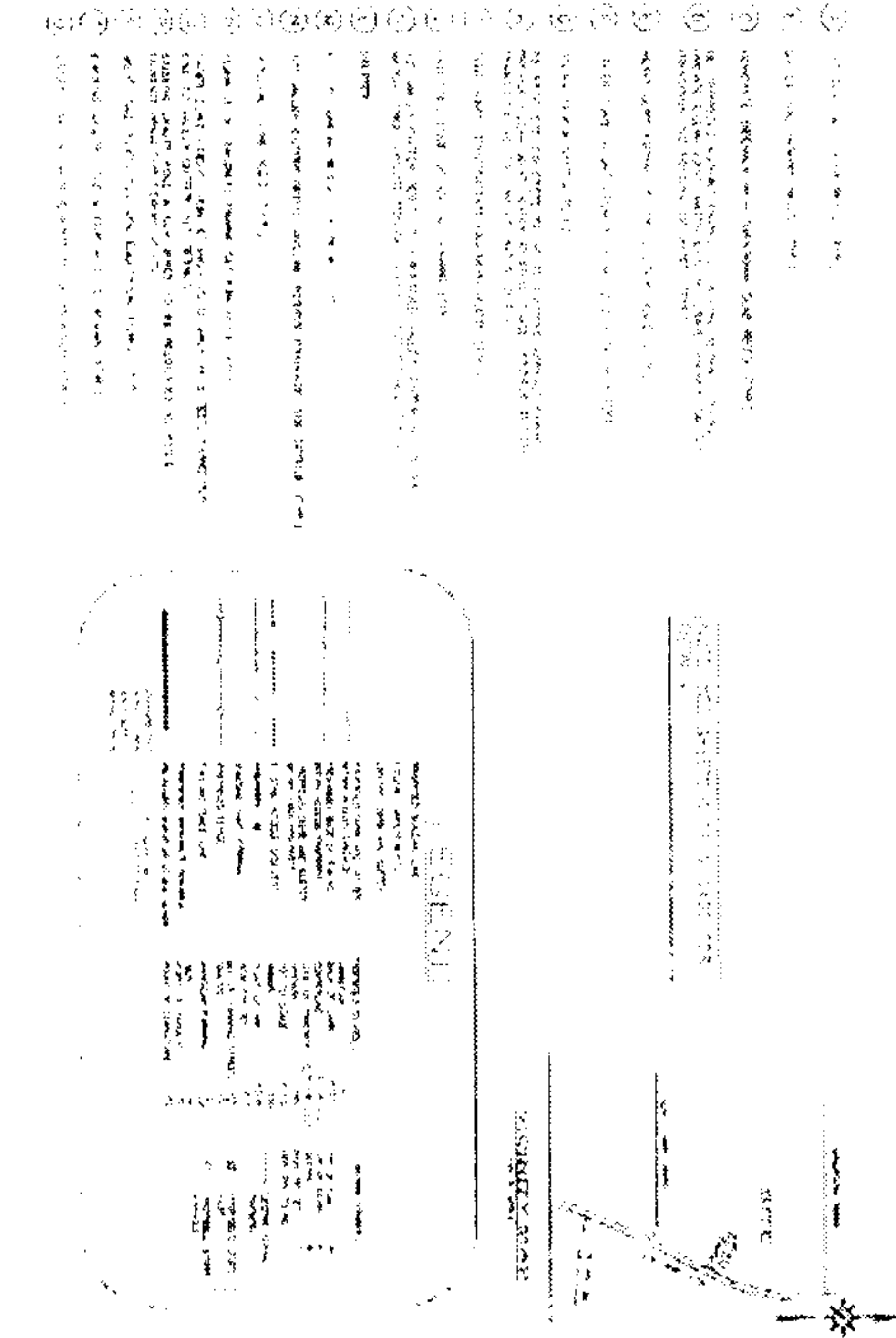
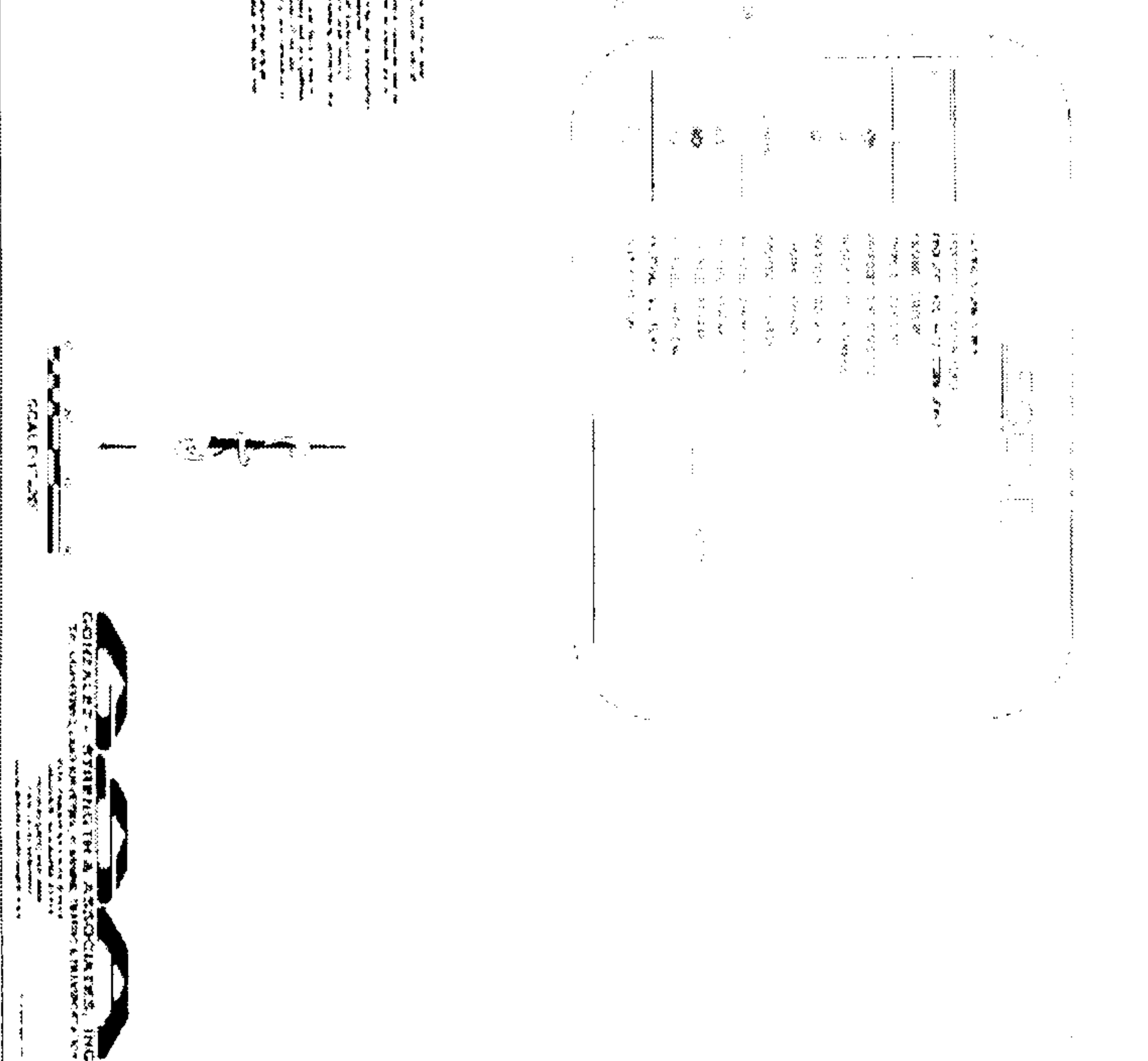
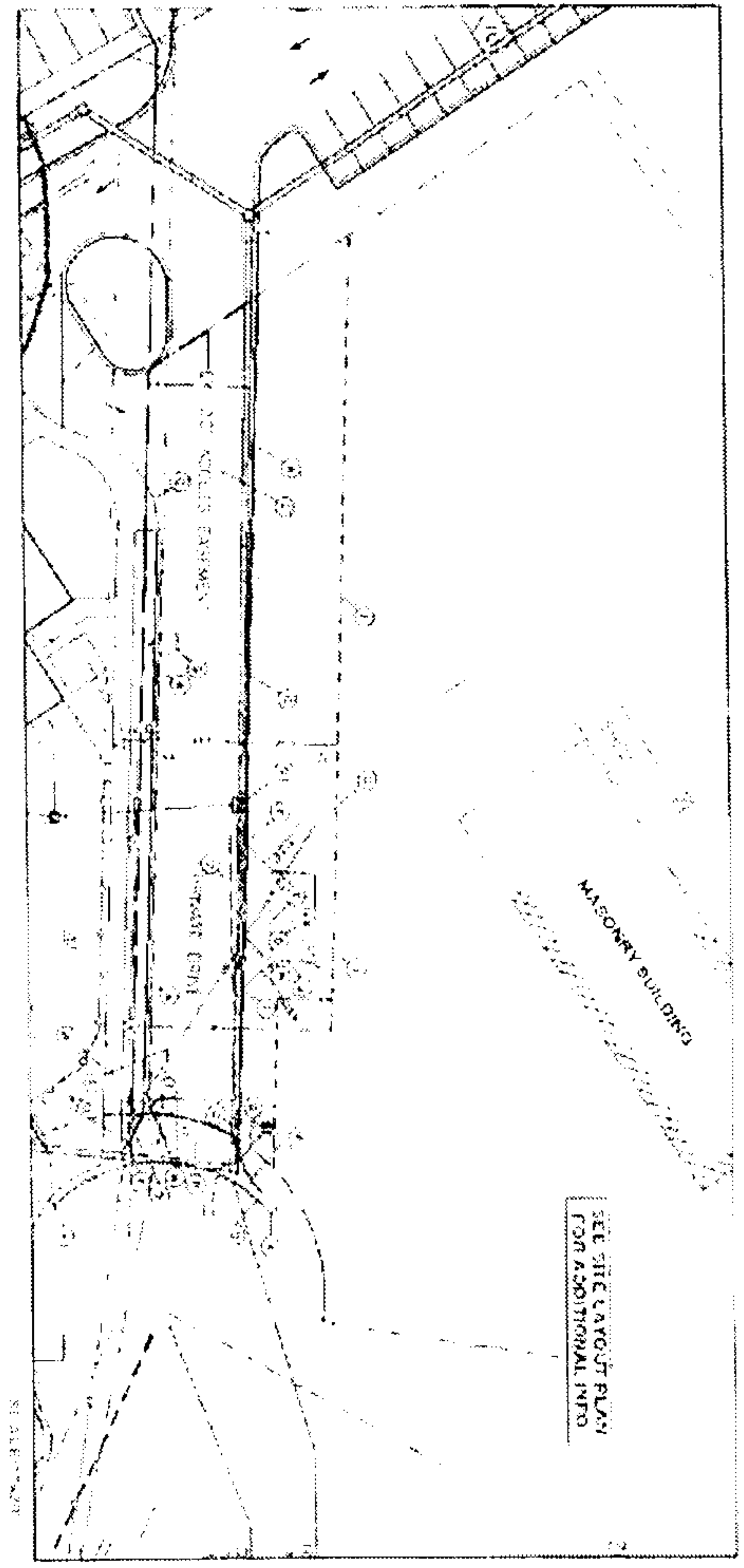
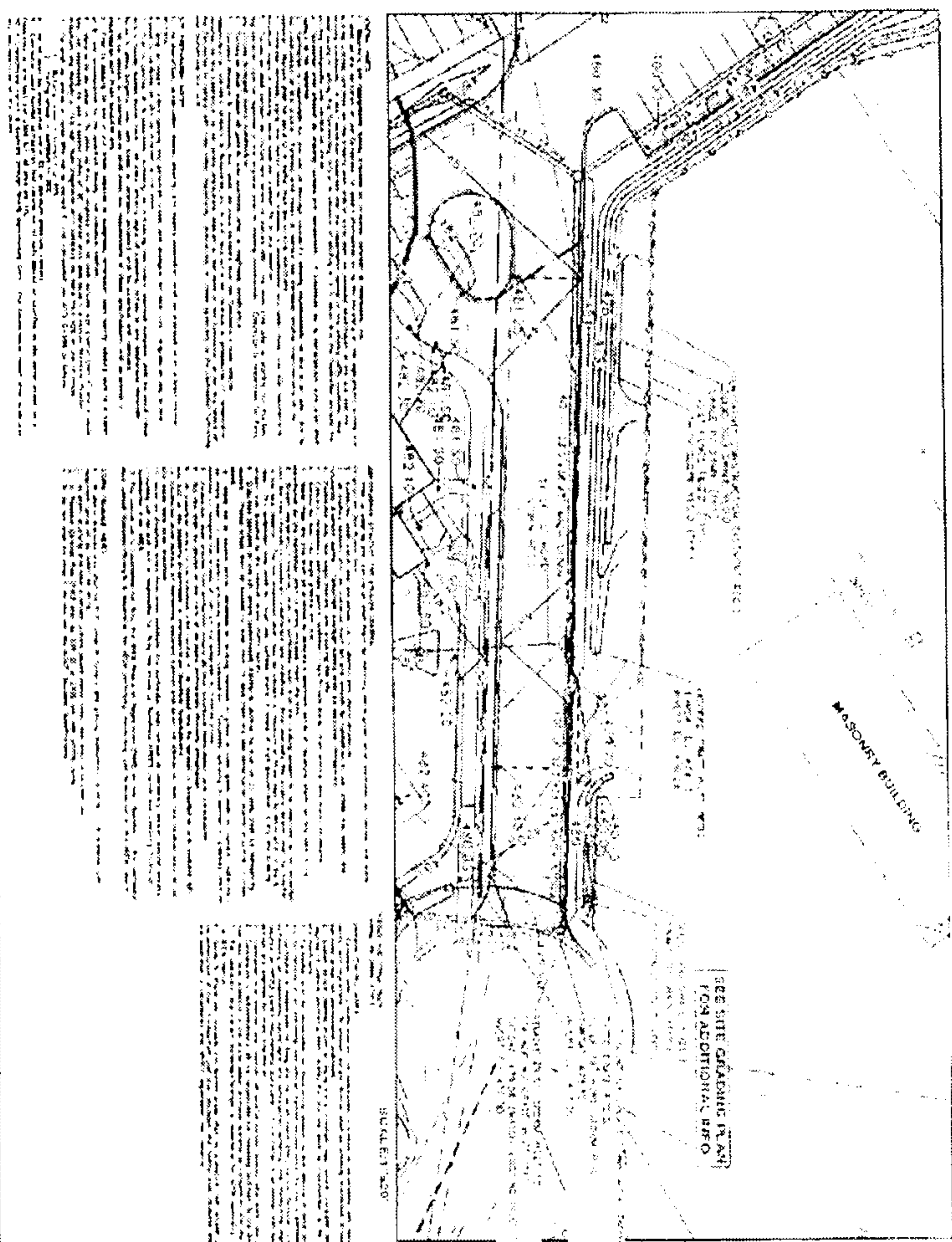


EXHIBIT "C"

CONSTRUCTION EASEMENT LEGAL DESCRIPTION

**TEMPORARY CONSTRUCTION EASEMENT
SHELBY COUNTY, ALABAMA**

A parcel of land situated in part of the Northwest one-quarter of the Southwest one-quarter and the Southwest one-quarter of the Southwest one-quarter of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at found pk nail which is the Southeast corner of Lot 2, YMCA Subdivision, as recorded in Map Book 37, page 115, in the Office of the Judge of Probate, Shelby County, Alabama; thence run North 87 degrees 52 minutes 23 seconds West along the South line of said Lot 2 for a distance of 203.19 feet to a found chisel on curb, said point being the Southwest corner of said Lot 2; thence run North 32 degrees 46 minutes 57 seconds West along the West line of said Lot 2 for a distance of 67.08 feet; thence leaving the West line of said lot 2, run South 87 degrees 52 minutes 13 seconds East for a distance of 209.26 feet; thence run South 02 degrees 07 minutes 47 seconds West for a distance of 15.00 feet; thence run South 87 degrees 52 minutes 15 seconds East for a distance of 46.31 feet to a point on a curve to the right, said curve having a radius of 50.00 feet, a central angle of 50 degrees 08 minutes 36 seconds, a chord bearing of South 21 degrees 24 minutes 14 seconds West for a chord distance of 42.38 feet; thence run along arc of said curve for a distance of 43.76 feet to the POINT OF BEGINNING. Said parcel contains 11,893 square feet or 0.27 acres more or less.



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