

20171009000366240 1/16 \$61.00
Shelby Cnty Judge of Probate, AL
10/09/2017 10:08:34 AM FILED/CERT

County Division Code: AL040
Inst. # 2017104066 Pages: 1 of 16
I certify this instrument filed on
10/6/2017 10:53 AM Doc: AGREE
Alan L.King, Judge of Probate
Jefferson County, AL. Rec: \$61.00

Clerk: NICOLE

STATE OF ALABAMA)
JEFFERSON COUNTY)
SHELBY COUNTY)

CONSERVATION EASEMENT AGREEMENT

THIS CONSERVATION EASEMENT is entered into on the 4th day of October, 2017,
by The Water Works Board of the City of Birmingham, an Alabama public corporation,
(hereinafter referred to as the "Water Works Board).

WHEREAS, the Water Works Board owns certain parcels of real property located adjacent
to Lake Purdy and along the Cahaba River and north of U.S. Highway 280 in Jefferson and Shelby
Counties, Alabama, more particularly described on Exhibit "A" attached hereto and hereinafter
referred to as the "Property"; and

WHEREAS, the Property comprises a substantial portion of the watershed for Lake Purdy,
a major source of water supply for the Water Works Board; and

WHEREAS, the Water Works Board has entered into a Settlement Agreement with the
Attorney General for the State of Alabama on behalf of the systems ratepayers; and

WHEREAS, said Settlement Agreement provided, among other things, that the Water
Works Board would place a conservation easement on the Property for the purpose of ensuring
that its water system was protected from land development activities which could be harmful to
the water system and its ratepayers; and,

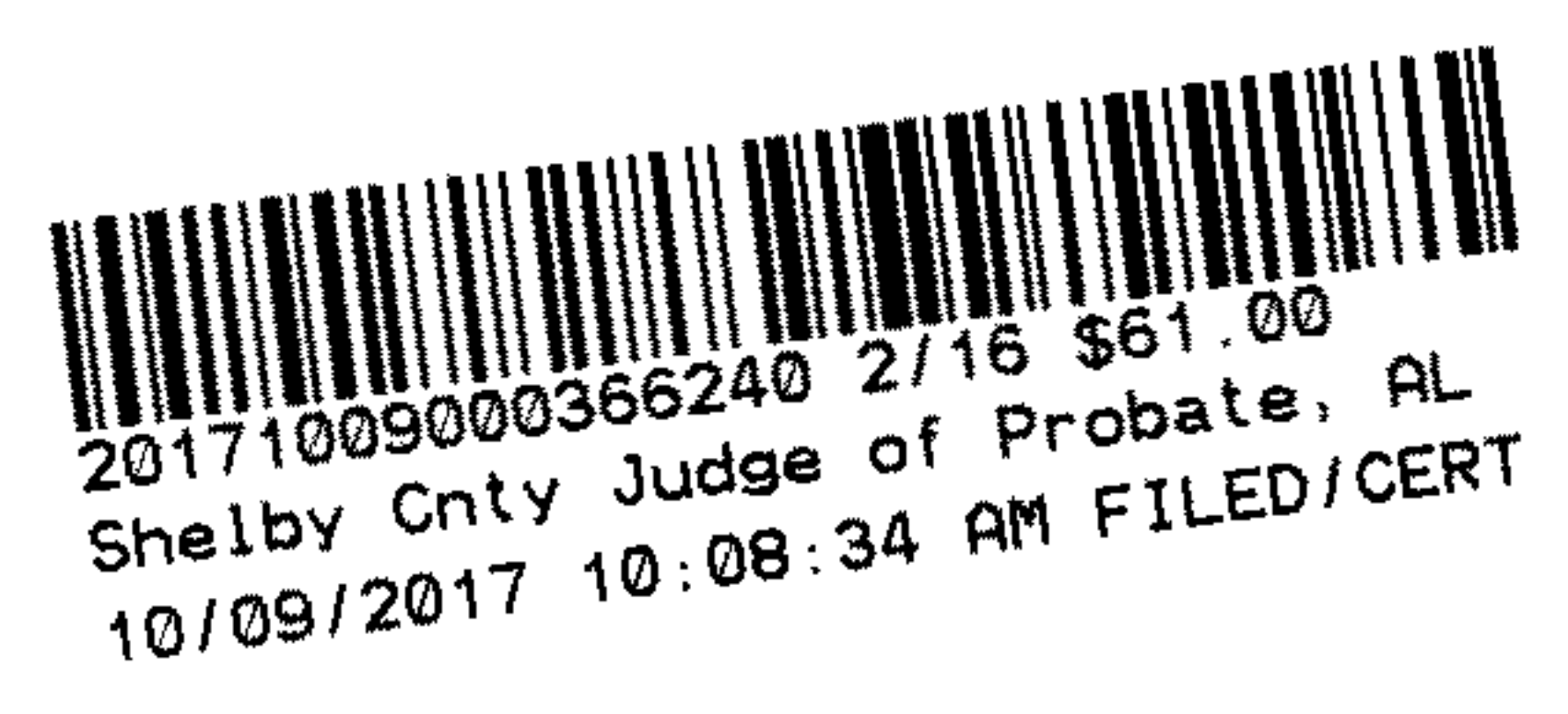
WHEREAS, between the time that the Settlement Agreement was entered into and the
date of this instrument, the Water Works Board has owned and managed the Property consistent
with the terms of the Settlement Agreement and the restrictions set forth in this instrument.

NOW, THEREFORE, in consideration of the terms of the Settlement Agreement and other good and valuable consideration, and the promises and conditions set forth herein, the receipt and sufficiency of which the Water Works Board hereby acknowledges, the Water Works Board hereby grants, creates, conveys and establishes a Conservation Easement upon the Property, subject to the following terms and conditions:

1. **Purpose of Easement.** The Water Works Board agrees that the sole purpose of the restrictions imposed herein is to retain, enhance, manage, protect, and preserve the natural, scenic, forested and open spaced conditions, and wildlife habitats of the Property, in order to maintain and enhance the water quality of Lake Purdy and portions of the Cahaba River as a source of water supply, it being the specific intent of the Water Works Board to create a "conservation easement" pursuant to the provisions of Chapter 18, Title 35, Sections 1 through 6, Code of Alabama, 1975 (hereinafter "Conservation Easement").

2. **Permitted Uses. (a)** The Water Works Board may continue to make such uses of the Property which are not inconsistent with the purpose of the Conservation Easement as set out in paragraph 1 herein. Such uses may include, but shall not be limited to, hunting and fishing activities, the construction and maintenance of roads, bridges, culverts, drainage facilities, hiking trails, short term camping facilities and associated structures and other improvements located on the Property to provide reasonable public access, the construction and maintenance of visitor's centers and facilities, interpretive displays and other facilities for the guidance and education of visitors, and any other activities which may be necessary or appropriate to carry out the purposes of the Water Works Board.

(b) In the event there are portions of the Property where stormwater either naturally drains, or is engineered to drain, outside the watershed for the Water Works Board's water supply, and



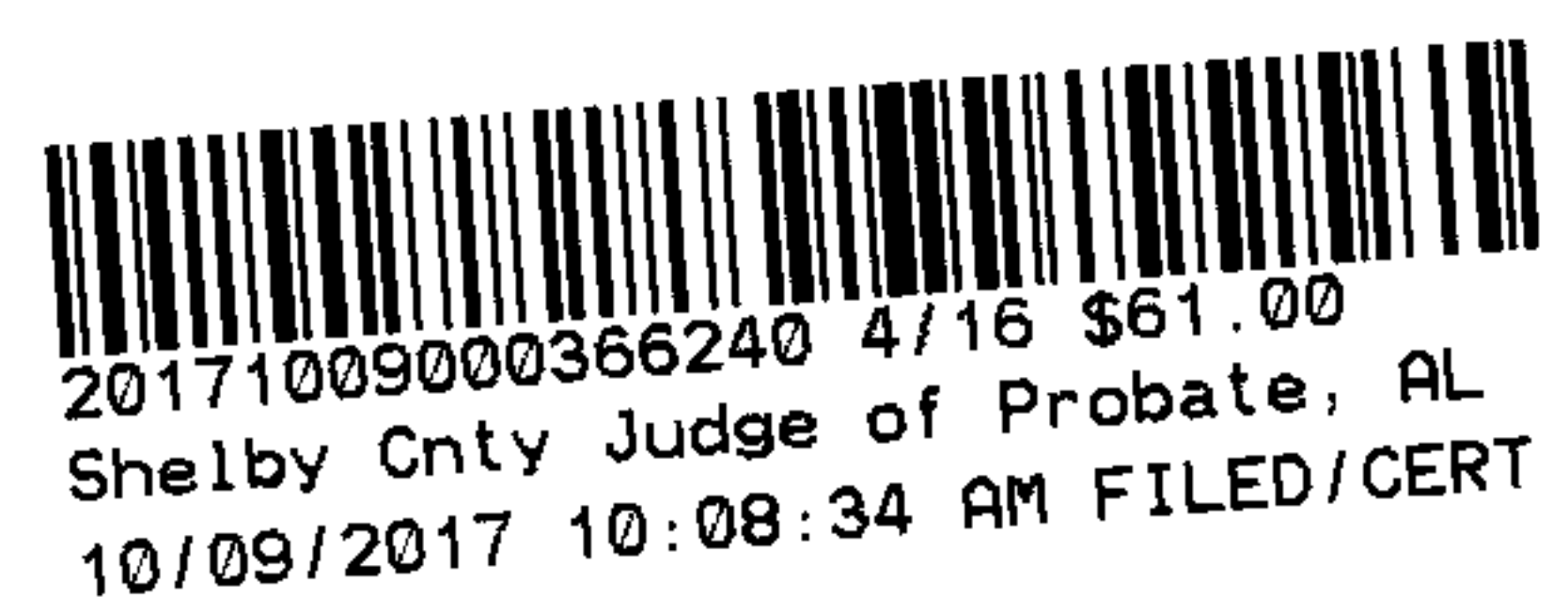
the Water Works Board obtains certification from a licensed engineer certifying that any such drainage is outside the Water Works Board's watershed, and that certification is affirmed by the Water Works Board's Independent Engineer (as that term is defined under the Water Works Board's Bond Indenture), and said certifications and affirmations are duly filed in the proper Probate Court, said portions of the Property shall not be subject to the restrictions of this Conservation Easement. Written notification of any conveyance made under this sub-paragraph (b) to paragraph 2, including said certifications and affirmations, shall be made to the Division Chief, Consumer Interest Division, Office of the Attorney General, State of Alabama. The provisions of this sub-paragraph (b) to paragraph 2, are continuing provisions. Said certifications, affirmations and requisite notice are required with each and every conveyance of any such portion of the Property. Without such certifications and affirmations being properly filed in the appropriate Probate Court, and notice being made to the Division Chief, Consumer Interest Division, Office of the Attorney General, State of Alabama, then such portion of the Property shall be subject to the restrictions in this Conservation Easement.

3. **Restricted Uses.** Except as provided in paragraph 2 herein, the Water Works Board hereby acknowledge, and agrees that the Property shall not be used for any use which is inconsistent with the purpose of the Conservation Easement as set out in paragraph 1 above. Without limiting the foregoing, the following uses of the Property shall be prohibited: the construction or improvement of any buildings, structures, or facilities used for human lodging, feeding or entertainment, including, without limitation thereto, hotels or other lodging facilities, single family or multi-family dwellings, restaurants, convention centers and meeting halls, golf courses, tennis courts, recreational dams, exhibition halls; car wash facilities; service or gasoline stations, car repair garages and any other activities which involve the commercial servicing of

internal combustion engines or provide gasoline and other petroleum products for internal combustion engines; laundry and dry cleaning activities; solid waste landfills; farms or slaughter houses for animals; clear cutting of timber; mining of any type of gas or minerals; any activities which involve the use and/or disposal of pesticides or herbicides; any release of liquid discharges which would require a National Pollutant Discharge Elimination System permit (other than those already permitted); activities which result in the release of air contaminants; placement of fill materials; installation of sanitary septic systems and other similar discharges to the ground water; any activities which use or store products that constitute hazardous or toxic materials, hazardous or toxic substances, and/or hazardous wastes, as such terms are defined by any rule, regulation, statute, or law of any state, federal or local governmental agency, as the same may be amended from time to time, specifically including, but not limited to, regulations promulgated by the United States Environmental Protection Agency; and similar activities or facilities that have a principal purpose not related to the purpose of this easement.

4. **Rights and Duties of the Water Works Board.** The Water Works Board expressly reserves for itself, its successors and assigns the right to make any and all uses of the Property as long as such use is not inconsistent with the purpose of the Conservation Easement as set out hereinabove in paragraph 1. The Water Works Board's uses of the Property shall include, but not be limited to, the right to flood all or portions of the Property as may be necessary in the normal operations of its water system, the right to sell all or portions of the Property, and the right to make any other uses of the Property as may be necessary in the normal operation of its water systems.

5. **Easement to Run with the Land.** It is the specific intent of the Water Works Board, that the Conservation Easement created herein, shall constitute a servitude in and upon the



Property and shall run with the Property and shall inure to the benefit of, and shall be binding on all subsequent owners of the Property.

6. **Instruments Subject to Easement.** Any deed, lease, conveyance, contract or other instrument involving the Property shall be subject to this Conservation Easement, and any deed, lease, conveyance, contract or other instrument involving the Property shall be entered into and granted as if this same Conservation Easement were contained therein.

7. **Third Party Right of Enforcement.** The Water Works Board expressly acknowledges and agree that pursuant to the provisions of Chapter 18, Title 35, Sections 1 and 3, Code of Alabama, 1975, the Attorney General for the State of Alabama, shall have the right to enforce all of the terms and conditions of this Conservation Easement, as set out herein.

8. **Termination.** The Conservation Easement, rights, and privileges granted herein shall terminate on February 1, 2051 or at such time as the Water Works Board ceases to use Lake Purdy and/or Cahaba River as a source of water supply for its water system, whichever period shall first occur.

9. **Governing Law.** The validity of this Conservation Easement and of any of its items, or provisions, as well as the rights and duties of the parties to this instrument, shall be governed by the laws of the State of Alabama

10. **Amendment.** This Conservation Easement may only be amended by the Water Works Board with the mutual consent of the Office of the Attorney General for the State of Alabama in writing.

11. **Legal Construction.** In case any one or more of the provisions contained in this Conservation Easement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provisions of this

instrument and this instrument shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

IN WITNESS WHEREOF, the Water Works Board has caused this Conservation Easement to be executed and delivered to be effective as of the date first written above.

**THE WATER WORKS BOARD OF THE
CITY OF BIRMINGHAM, an Alabama
public corporation**

By: MAC UNDERWOOD
Name: Mac Underwood
Its: General Manager

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Mac Underwood whose name as General Manager of **THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM**, an Alabama public corporation, is signed to the foregoing Conservation Easement and who is known to me, acknowledged before me on this day that, being informed of the contents of said Conservation Easement, he, in his capacity as such General Manger and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this the 4th day of October, 2017.

Antonia Westbrook Fendley

Notary Public

[NOTARIAL SEAL]

My Commission Expires: MARCH 24, 2020

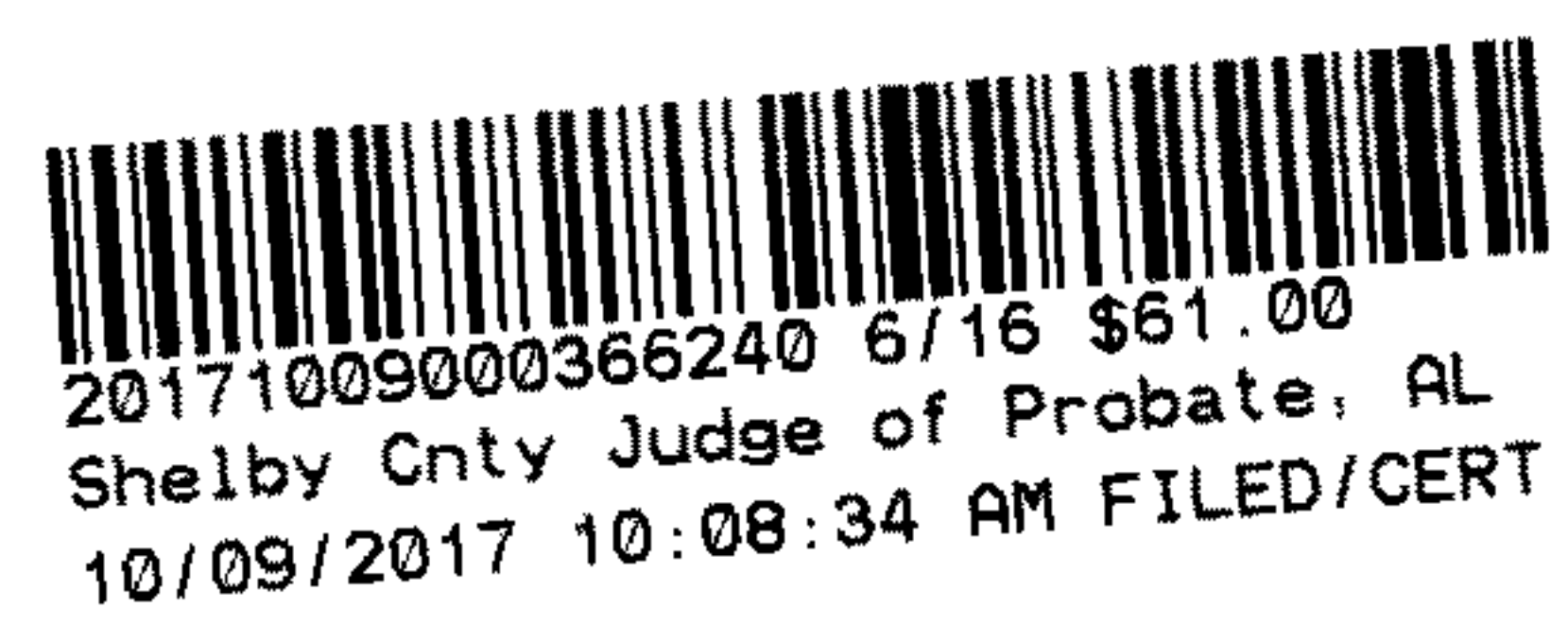



EXHIBIT "A"


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PARCEL 1

Commence at the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 18 South, Range 1 West; thence run west along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 350.02 feet; thence a deflection angle $87^{\circ}19'44''$ right and run north 623.31 feet; thence a deflection angle $66^{\circ}40'16''$ left and run northwest 609.51 feet; thence a deflection angle $91^{\circ}39'23''$ right and run northeast 170.30 feet; thence a deflection angle $88^{\circ}35'09''$ left and run northwest 166.55 feet to the point of beginning; thence continue along the last-named course a distance of 420.59 feet; thence a deflection angle $63^{\circ}25'13''$ right and run north 223.97 feet; thence a deflection angle $90^{\circ}55'12''$ left and run west 1328.89 feet; thence a deflection angle $90^{\circ}41'46''$ right and run north 1105.86 feet; thence a deflection angle $90^{\circ}25'54''$ left and run west 2656.21 feet, to the northwest corner of Section 29, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ}25'24''$ right and run north 1333.92 feet; thence a deflection angle $89^{\circ}37'38''$ left and run west 2681.05 feet; thence a deflection angle $90^{\circ}56'23''$ right and run north 2667.71 feet; thence a deflection angle $1^{\circ}42'03''$ left and run north 420.00 feet; thence a deflection angle $89^{\circ}27'35''$ left and run west 210.22 feet; thence a deflection angle $90^{\circ}38'57''$ left and run south 420.20 feet; thence a deflection angle $92^{\circ}31'04''$ right and run west 1131.73 feet; thence a deflection angle $89^{\circ}02'36''$ right and run north 1344.62 feet; thence a deflection angle $90^{\circ}39'03''$ right and run east 2987.61 feet; thence a deflection angle $49^{\circ}40'14''$ left and run northeast 129.67 feet; thence a deflection angle $5^{\circ}51'41''$ left and run northeast 168.15 feet; thence a deflection angle $2^{\circ}30'48''$ right and run northeast 224.81 feet; thence a deflection angle $14^{\circ}57'40''$ right and run northeast 153.40 feet; thence a deflection angle $6^{\circ}09'29''$ right and run northeast 170.06 feet; thence a deflection angle $25^{\circ}25'12''$ left and run northeast 149.49 feet; thence a deflection angle $9^{\circ}20'31''$ left and run northeast 176.45 feet; thence a deflection angle $33^{\circ}33'25''$ right and run northeast 176.47 feet; thence a deflection angle $27^{\circ}09'51''$ right and run northeast 120.15 feet; thence a deflection angle $41^{\circ}58'15''$ left and run northeast 60.24 feet; thence a deflection angle $42^{\circ}14'49''$ left and run north 1782.58 feet; thence a deflection angle $90^{\circ}52'50''$ right and run east 2673.29 feet; thence a deflection angle $91^{\circ}32'34''$ left and run north 65.54 feet; thence a deflection angle $46^{\circ}42'28''$ right and run northeast 1567.11 feet; thence a deflection angle $45^{\circ}05'10''$ right and run east 1557.55 feet; thence a deflection angle $90^{\circ}33'14''$ left and run north 1339.47 feet to the northwest corner of Section 16, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ}07'35''$ right and run east 1330.52 feet; thence a deflection angle $89^{\circ}50'53''$ left and run north 2663.38 feet; thence a deflection angle $90^{\circ}01'16''$ right and run east 1329.57 feet; thence a deflection angle $90^{\circ}05'21''$ left and run north 1329.80 feet; thence a deflection angle $90^{\circ}10'02''$ right and run east 1328.92 feet; thence a deflection angle $90^{\circ}08'44''$ left and run north 273.84 feet; thence a deflection angle $39^{\circ}18'17''$ right and run northeast 239.07 feet; thence a deflection angle $78^{\circ}45'53''$ left and run northwest 238.55 feet; thence a deflection angle $39^{\circ}27'37''$ right and run north 682.83 feet; thence a deflection angle $90^{\circ}14'38''$ right and run east 788.55 feet to a point on the northeast right of way line of Grants Mill Road; thence run southeast along the northeast right of way line of Grants Mill Road to its intersection with Rex Lake Road; thence run northeast along the northwest right of way line of Rex Lake Road to a point on the north line of Section 9, Township 18 South, Range 1 West being 163.19 feet west of the Northeast corner of said Section 9; thence run east along the north line of Section 9 to the said northeast corner; thence a deflection angle $00^{\circ}29'36''$ left and run east 729.56 feet; thence a deflection angle $60^{\circ}59'27''$ right and run southeast 130.92 feet; thence a

deflection angle 60°57'37" left and run east 827.05 feet; thence a deflection angle 90°03'31" left and run north 115.19 feet; thence a deflection angle 90°02'58" right and run east 599.89 feet; thence a deflection angle 44°58'14" left and run northeast 609.69 feet; thence a deflection angle 44°56'50" left and run north 1571.42 feet; thence a deflection angle 87°44'15" right and run east 1275.73 feet; thence a deflection angle 85°56'58" left and run north 680.12 feet; thence a deflection angle 90°42'29" right and run east 1374.26 feet; thence a deflection angle 92°06'14" left and run north 2628.28 feet; thence a deflection angle 90°11'24" right and run east 1310.75 feet; thence a deflection angle 88°12'08" left and run north 690.07 feet; thence a deflection angle 89°29'08" right and run east 307.47 feet; thence a deflection angle 18°53'00" left and run northeast 178.62 feet; thence a deflection angle 69°15'00" left and run north 415.08 feet; thence a deflection angle 17°48'56" left and run north 175.49 feet; thence a deflection angle 104°54'49" right and run east 885.14 feet; thence a deflection angle 88°40'17" left and run north 1314.64 feet; thence a deflection angle 88°44'14" right and run east 1310.65 feet; thence a deflection angle 87°45'50" right and run south 418.37 feet; thence a deflection angle 138°25'57" left and run northeast 399.36 feet; thence a deflection angle 15°54'55" right and run northeast 629.89 feet; thence a deflection angle 35°39'12" right and run east 339.15 feet; thence a deflection angle 89°18'16" right and run south 1505.11 feet; thence a deflection angle 62°58'40" left and run southeast 489.19 feet; thence a deflection angle 59°15'44" right and run south 1137.04 feet; thence a deflection angle 87°12'39" left and run east 917.52 feet; thence a deflection angle 56°08'23" right and run southeast 332.21 feet; thence a deflection angle 33°05'38" right and run south 91.76 feet to a point on the northwest right of way line of AL HWY 119; thence a deflection angle 48°46'15" right and run southwest along the northwest right of way line of AL HWY 119 a distance of 1306.25 feet; thence a deflection angle 100°54'36" right and run northwest 809.66 feet; thence a deflection angle 84°28'13" right and run northeast 73.96 feet; thence a deflection angle 84°24'28" left and run northwest 1030.40 feet to a point on the centerline of the Little Cahaba River; thence turn a deflection angle to the chord 84°40'45" left and run along the centerline of the Little Cahaba River a chord length of 1943.56 feet to the northeast corner of the property owned by David Gibson, recorded in deed book 2275 page 64 in the Office of Judge of Probate, Jefferson County, Alabama; thence a deflection angle 60°49'26" right and run northwest 700.00 feet; thence a deflection angle 84°35'00" left and run southwest 1666.15 feet; thence a deflection angle 135°07'44" left and run east 249.54 feet; thence a deflection angle 23°38'25" left and run northeast 108.62 feet; thence a deflection angle 130°27'39" right and run southwest 127.39 feet, being the northwest corner of Lot 25 of Stonebrook Estates as recorded in Map Book 120 Page 20 in the Office of Judge of Probate, Jefferson County, Alabama; thence run southeast to the northeast corner of said Lot 25; thence continue along the same course 50 feet, more or less to the east right of way line of Stonebrook Drive; thence run northerly along the east right of way line of Stonebrook Drive to its intersection with Bailey Road; thence continue east along the south right of way of Bailey Road to its intersection with the centerline of the Little Cahaba River; thence run southwest along the centerline of the Little Cahaba River to the southwest corner of the property owned by Gail C Williams as recorded in Deed Book 200501 Page 8438 in the Office of Judge of Probate, Jefferson County, Alabama; thence run southeast along the south line of said property to a point on the northwest right of way line of AL HWY 119; thence run southwest along the northwest right of way line of AL HWY 119 to a point on the north line of the northwest ¼ of the southwest ¼ of Section 11, Township 18 South, Range 1 West; thence run west along the said north line 350 feet; thence run south along a line parallel to the east line of said ¼- ¼ a distance of 232.14 feet to a point on the northwest right of way line of AL HWY 119; thence run southwest along the northwest

right of way line of AL HWY 119 to a point on the east boundary of the property owned by Calvary Tabernacle as recorded in Deed Book 3803 Page 540, in the Office of Judge of Probate, Jefferson County, Alabama; thence run north 258.91 feet to the northeast corner of said property; thence a deflection angle $128^{\circ} 40' 10''$ left and run southwest 889.15 feet; thence a deflection angle $132^{\circ} 00' 44''$ right and run north 585.69 feet; thence a deflection angle $91^{\circ} 06' 52''$ left and run west 657.67 feet; thence a deflection angle $95^{\circ} 09' 16''$ left and run south 524.18 feet; thence a deflection angle $98^{\circ} 02' 48''$ right and run west 294.27 feet; thence a deflection angle $87^{\circ} 10' 52''$ right and run north 192.54 feet; thence a deflection angle $90^{\circ} 06' 41''$ left and run west 290.00 feet; thence a deflection angle $89^{\circ} 54' 00''$ right and run north 15.00 feet; thence a deflection angle $89^{\circ} 02' 02''$ left and run west 130.24 feet to a point on the east line of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 10, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ} 47' 52''$ left and run south along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 1043.45 feet; thence a deflection angle $10^{\circ} 17' 50''$ and run south 142.15 feet; thence a deflection angle $36^{\circ} 55' 18''$ right and run southwest 290.84 feet; thence a deflection angle $91^{\circ} 26' 47''$ left and run southeast a distance of 275.82 feet to a point on the northwest right of way line of AL HWY 119; thence run southwest along the northwest right of way line of AL HWY 119 to a point being on the east line of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 21, Township 18 South, Range 1 West; thence run north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 306.62 to the northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section ; thence run west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 811.87 feet; thence a deflection angle $70^{\circ} 04' 00''$ left and run southwest 158.53 feet; thence a deflection angle $87^{\circ} 02' 08''$ right and run northwest 152.72 feet; thence a deflection angle $53^{\circ} 49' 34''$ left and run southwest 70.19 feet; thence a deflection angle $33^{\circ} 35' 42''$ left and run southwest 205.17 feet; thence a deflection angle $90^{\circ} 00' 14''$ left and run southeast 192.98 feet; thence a deflection angle $67^{\circ} 22' 07''$ right and run south 393.09 feet; thence a deflection angle $21^{\circ} 27' 22''$ left and run southeast 525.26 feet to a point on the northwest right of way line of AL HWY 119; thence run southwest along the northwest right of way line of AL HWY 119 to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

The right of way of Grants Mill Ridge, Grants Mill Road, Sicard Hollow Road, Rex Lake Road, Bailey Road, and the following described property: Commence at the southwest corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 35, Township 17 South, Range 1 West; and run east 1457.70 feet to the point of beginning; thence a deflection angle $30^{\circ} 15' 08''$ right and run southeast 131.24 feet; thence a deflection angle $103^{\circ} 00' 27''$ left and run northeast 180.00 feet; thence a deflection angle $104^{\circ} 52' 15''$ right and run southeast 90.59 feet; thence a deflection angle $56^{\circ} 27' 38''$ left and run northeast 74.39 feet; thence a deflection angle $99^{\circ} 38' 00''$ left and run northwest 218.80 feet; thence a deflection angle $112^{\circ} 59' 10''$ left and run southwest 148.82 feet; thence a deflection angle $90^{\circ} 00' 00''$ right and run northwest 171.17 feet; thence a deflection angle $94^{\circ} 43' 37''$ left and run southwest 198.45 feet; thence a deflection angle $90^{\circ} 00' 00''$ left and run southeast 224.55 feet to the point of beginning.

PARCEL 2

Begin at the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 29, Township 18 South, Range 1 West; thence run west along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of

350.02 feet; thence a deflection angle $87^{\circ}19'44''$ right and run north 623.31 feet; thence a deflection angle $66^{\circ}40'16''$ left and run northwest 609.51 feet; thence a deflection angle $91^{\circ}39'23''$ right and run northeast 170.30 feet; thence a deflection angle $92^{\circ}24'23''$ right and run southeast 23.41 feet; thence a deflection angle $91^{\circ}05'03''$ left and run northeast 90.00 feet; thence a deflection $88^{\circ}52'33''$ left and run northwest 110.00 feet to a point on the southeast right of way line of AL HWY 119; thence run northeast along the southeast right of way line of AL HWY 119 to a point on the west boundary of the property owned by Ralph A and Patricia H Sheets as recorded in Deed Book 3399 Page 225 in the Office of the Judge of Probate, Jefferson County, Alabama; thence run south along the west line of said property 778.24 feet to the southwest corner of said property ; thence continue along the last named course a distance of 42.71 feet; thence a deflection angle $90^{\circ}16'45''$ left and run east 676.02 feet; thence a deflection angle $90^{\circ}29'00''$ right and run south 1227.81 feet; thence a deflection angle $90^{\circ}29'00''$ left and run east 104.80 feet; thence a deflection angle $90^{\circ}39'33''$ right and run south 770.85 feet; thence a deflection angle $45^{\circ}08'54''$ left and run southeast 784.48 feet; thence a deflection angle $44^{\circ}52'03''$ right and run south 605.42 feet; thence a deflection angle $43^{\circ}38'24''$ right and run southwest 1016.04 feet; thence a deflection angle $45^{\circ}55'49''$ right and run west 618.74 feet to the Northeast Corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Township 18 South, Range 1 West; thence a deflection angle $89^{\circ}22'32''$ left and run south 1333.49 feet; thence a deflection angle $89^{\circ}21'39''$ right and run west 1318.42 feet; thence a deflection angle $89^{\circ}01'12''$ left and run south 1334.30 feet; thence a deflection angle $89^{\circ}09'01''$ right and run west 1323.31 feet; thence a deflection angle $45^{\circ}58'37''$ left and run southwest 1687.99 feet; thence a deflection angle $101^{\circ}46'10''$ left and run southeast 132.97 feet; thence a deflection angle $89^{\circ}17'53''$ right and run southwest 486.43 feet; thence a deflection angle $30^{\circ}46'56''$ left and run south 387.73 feet; thence a deflection angle $24^{\circ}05'12''$ right and run southwest 77.78 feet; thence a deflection angle $5^{\circ}13'41''$ right and run southwest 191.27 feet; thence a deflection angle $12^{\circ}45'20''$ left and run southwest 151.72 feet; thence a deflection angle $5^{\circ}46'05''$ right and run southwest 192.70 feet; thence a deflection angle $4^{\circ}23'34''$ right and run southwest 590.36 feet; thence a deflection angle $3^{\circ}14'32''$ right and run southwest 304.60 feet; thence a deflection angle $2^{\circ}53'35''$ left and run southwest 122.34 feet; thence a deflection angle $4^{\circ}18'27''$ left and run southwest 479.28 feet; thence a deflection angle $11^{\circ}59'29''$ right and run southwest 92.61 feet; thence a deflection angle $54^{\circ}08'42''$ right and run west 346.40 feet to the Southeast Corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 28, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ}21'20''$ left and run south 332.83 feet; thence a deflection angle $112^{\circ}48'07''$ right and run northwest 291.54 feet; thence a deflection angle $79^{\circ}01'22''$ left and run southwest 925.74 feet; thence a deflection angle $88^{\circ}56'00''$ right and run northwest 641.81 feet; thence a deflection angle $11^{\circ}29'01''$ left and run northwest 527.14 feet; thence a deflection angle $65^{\circ}30'23''$ left and run southwest 1127.20 feet to the point of beginning; LESS AND EXCEPT the right of way of Saddle Creek Trail.

PARCEL 3

Begin at the Northeast Corner of Section 14, Township 18 South, Range 1 West; thence run south along the east line of said section 2668.73 feet; thence a deflection angle $89^{\circ}19'32''$ right and run west 3981.25 feet; thence a deflection angle $90^{\circ}22'54''$ right and run 232.57 feet; thence a deflection angle $63^{\circ}44'49''$ left and run northwest 238.80 feet; thence a deflection angle $33^{\circ}05'27''$ right and run northwest 410.78 feet; thence a deflection angle $114^{\circ}54'30''$ left and run southwest

264.57 feet; thence a deflection angle $55^{\circ}10'04''$ right and run west 150.00 feet; thence a deflection angle $55^{\circ}10'04''$ left and run southwest 350.00 feet; thence a deflection angle $55^{\circ}10'04''$ right and run west 275.00 feet; thence a deflection angle $55^{\circ}10'04''$ left and run southwest 231.54 feet; thence deflection angle $54^{\circ}53'17''$ right and run west 660.03 feet; thence a deflection angle $90^{\circ}34'42''$ right and run north 3639.74 feet to a point on the southeast right of way line of AL HWY 119; thence run northeast along the southeast right of way line of AL HWY 119 to the northwest corner of the property owned by Norman Dale and Sandra W Harris as recorded in Deed Book 1924 Page 144 in the Office of the Judge of Probate, Jefferson County, Alabama; thence run southeast along the west boundary of said property 16.15 feet to the southwest corner of said property; thence a deflection angle $1^{\circ}15'45''$ right and run southeast 128.23 feet; thence a deflection angle $00^{\circ}39'26''$ right and run southeast 302.98 feet; thence a deflection angle $2^{\circ}25'06''$ left and run southeast 102.36 feet; thence a deflection angle $62^{\circ}13'59''$ left and run east 421.76 feet; thence a deflection angle $2^{\circ}04'08''$ left and run east 260.03 feet to the northeast corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 West; thence a deflection angle $19^{\circ}56'55''$ right and run southeast 1403.26 feet; thence a deflection angle $108^{\circ}53'28''$ left and run north 1779.85 feet to the northeast corner of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ}02'41''$ left and run west 1537.34 feet to a point on the southeast right of way line of AL HWY 119; thence a deflection angle $145^{\circ}27'05''$ right and run northeast along the southeast right of way line of AL HWY 119 a distance of 655.00 feet to the point of curvature of a curve to the left having a radius of 2920.87 feet and a chord length of 1855.47 feet; thence run along the arc of said curve a distance of 1888.17 feet to the point of tangency; thence continue along the tangent of said curve 476.80 feet; thence a deflection angle $112^{\circ}11'14''$ right and run southeast 331.61 feet; thence a deflection angle $64^{\circ}32'48''$ right and run southwest 450.80 feet; thence a deflection angle $8^{\circ}15'00''$ right and run southwest 357.70 feet; thence a deflection angle $67^{\circ}33'01''$ right and run west 253.13 feet; thence a deflection angle $90^{\circ}38'39''$ left and run south 235.92 feet; thence a deflection angle $132^{\circ}38'22''$ left and run northeast 344.08 feet; thence a deflection angle $93^{\circ}29'45''$ right and run southeast 1704.67 feet; thence a deflection angle $51^{\circ}05'58''$ left and run east 849.80 feet; thence a deflection angle $50^{\circ}37'59''$ left and run northeast 756.69 feet; thence a deflection angle $39^{\circ}09'40''$ left and run north 746.38 feet; thence a deflection angle $90^{\circ}14'03''$ right and run east 1334.29 feet; thence a deflection angle $90^{\circ}08'34''$ left and run north 1331.79 feet; thence a deflection angle $89^{\circ}45'13''$ left and run west 157.64 feet; thence a deflection angle $133^{\circ}39'52''$ right and run northeast 2148.39 feet; thence a deflection angle $44^{\circ}03'58''$ left and run north 1088.70 feet; thence a deflection angle $90^{\circ}12'13''$ right and run east 386.32 feet; thence a deflection angle $44^{\circ}48'25''$ left and run northeast 1330.60 feet; thence a deflection angle $45^{\circ}28'57''$ left and run north 381.47 feet to the northwest corner of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 1, Township 18 South, Range 1 West; thence a deflection angle $90^{\circ}11'22''$ right and run east 1333.48 feet; thence a deflection angle $90^{\circ}15'56''$ left and run north 1324.43 feet; thence a deflection angle $90^{\circ}53'29''$ right and run east 668.48 feet; thence a deflection angle $90^{\circ}05'58''$ left and run north 180.00 feet; thence a deflection angle $132^{\circ}02'33''$ right and run southeast 269.30 feet; thence a deflection angle $41^{\circ}56'35''$ left and run east 371.13 feet; thence a deflection angle $87^{\circ}43'02''$ right and run south 187.83 feet; thence a deflection angle $40^{\circ}58'14''$ left and run southeast 40.00 feet; thence a deflection angle $90^{\circ}00'00''$ left and run northeast 209.45 feet; thence a deflection angle $90^{\circ}00'00''$ right and run southeast 9.47 feet; thence a deflection angle $73^{\circ}29'02''$ left and run northeast 123.66 feet; thence a deflection angle $32^{\circ}58'00''$ right and run southeast 128.87 feet; thence a deflection angle $96^{\circ}41'00''$ left and run north 40.00 feet; thence a deflection angle $90^{\circ}00'00''$ right and run

east 1003.51 feet; thence a deflection angle $88^{\circ}38'53''$ right and run south 656.57 feet; thence a deflection angle $90^{\circ}53'13''$ right and run west 1339.34 feet; thence a deflection angle $90^{\circ}46'21''$ left and run south 988.88 feet; thence a deflection angle $90^{\circ}33'44''$ right and run west 1339.93 feet; thence a deflection angle $90^{\circ}16'55''$ left and run south 495.08 feet; thence a deflection angle $53^{\circ}58'12''$ left and run southeast 3.85 feet; thence a deflection angle $53^{\circ}45'19''$ right and run south 1823.63 feet; thence a deflection angle $90^{\circ}26'19''$ right and run west 2142.60 feet; thence a deflection angle $47^{\circ}54'07''$ left and run southwest 785.62 feet; thence a deflection angle $42^{\circ}26'23''$ left and run south 738.69 feet; thence a deflection angle $00^{\circ}21'53''$ right and run south 2658.72 feet; thence a deflection angle $89^{\circ}56'46''$ right and run west 1331.47 feet; thence a deflection angle $90^{\circ}02'25''$ left and run south 1308.27 feet; thence a deflection angle $89^{\circ}57'31''$ right and run west 1326.15 feet; thence a deflection angle $90^{\circ}11'10''$ left and run south 1334.84 to the point of beginning; LESS AND EXCEPT the right of way for Mountain View Lane, McNabb Road, and the following described property; commence at the northeast corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 West; thence run west 360.03 feet; thence a deflection angle $82^{\circ}05'43''$ right and run south 111.91 feet to the point of beginning; thence a deflection angle $53^{\circ}39'04''$ left and run southeast 419.37 feet; thence a deflection angle $89^{\circ}59'24''$ right and run southwest 104.96 feet; thence a deflection angle $90^{\circ}00'15''$ right and run northwest 59.94 feet; thence a deflection angle $90^{\circ}02'23''$ left and run southwest 588.69 feet; thence a deflection angle $132^{\circ}16'54''$ right and run northwest 567.92 feet; thence a deflection angle $47^{\circ}57'11''$ right and run northeast 207.00 feet; thence a deflection angle $89^{\circ}17'16''$ right and run southeast 57.87 feet; thence a deflection angle $88^{\circ}22'26''$ left and run northeast 104.39 feet to the point of beginning.

PARCEL 4

Commence at the Northwest Corner of Section 1, Township 17 South, Range 1 West; thence run east 1326.84 feet; thence a deflection angle $90^{\circ}00'00''$ right and run south 470.59 feet to a point on the southeast right of way line of AL HWY 119 also the point of beginning; thence a deflection angle $1^{\circ}59'31''$ right and run south 1433.53 feet; thence a deflection angle $63^{\circ}11'09''$ right and run southwest 397.35 feet; thence a deflection angle $90^{\circ}51'16''$ right and run northwest 1014.89 feet to a point on the southeast right of way line of AL HWY 119; thence a deflection angle $73^{\circ}14'41''$ right and run northeast along the said right of way 965.84 feet to the point of beginning.

PARCEL 5

Commence at the Southeast Corner of Section 2, Township 17 South, Range 1 West; thence run west 2107.23 feet to the point of beginning; thence continue along the same course 173.16 feet to a point on the southeast right of way of AL HWY 119; thence a deflection angle $109^{\circ}30'26''$ right and run northeast along the said right of way 76.34 feet; thence a deflection angle $96^{\circ}28'25''$ right and run southeast 164.26 feet to the point of beginning.

PARCEL 6

Begin at the Northeast Corner of Section 24, Township 18 South, Range 2 West; thence run west to the northwest corner of the northeast $\frac{1}{4}$ of said section; thence run south along the west line of said $\frac{1}{4}$ section 418.29 feet; thence southwest 1065.57 feet; thence northwest 298.52 feet; thence

southwest 416.26 feet to the northwest corner of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of said section; thence south along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 406.34 feet; thence southwest 1225.78 feet to a point on the south right of way line of Sicard Hollow Road and the north line of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said section; thence run east along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 818.26 feet to the northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run south 1338.37 feet to the southwest corner of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said section; thence run east along the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ section to the southeast corner; thence north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 1760.13 feet; thence run east 2183.50 feet to a point on the north right of way of Sicard Hollow Road; thence run south and east along the said right of way line to a point on the east line of section 24, township 18 south, range 2 west; thence run north along the east line of said section 2860.28 feet to the northeast corner being the point of beginning; LESS AND EXCEPT: that property owned by Alexander W Jones Jr as recorded in deed book 201511 page 17381 in the Office of the Judge of Probate, Jefferson County, Alabama, and the right of way of Sicard Hollow Road and Cahaba Beach Road.

All of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 24, Township 18 South, Range 2 West LESS AND EXCEPT: that property owned by Liberty Park Joint Venture LLP as recorded in Deed Book 200711 Page 11144 in the Office of Judge of Probate, Jefferson County, Alabama and the right of way of Sicard Hollow Road and Cahaba Beach Road.

All of the Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 18 South, Range 2 West LESS AND EXCEPT: that property owned by Alexander W Jones Jr as recorded in Deed Book 200804 Page 29907 and the property owned by Leslie D & William C Wood as recorded in Deed Book 201513 Page 25936 in the Office of Judge of Probate, Jefferson County, Alabama and the right of way for Cahaba Beach Road.

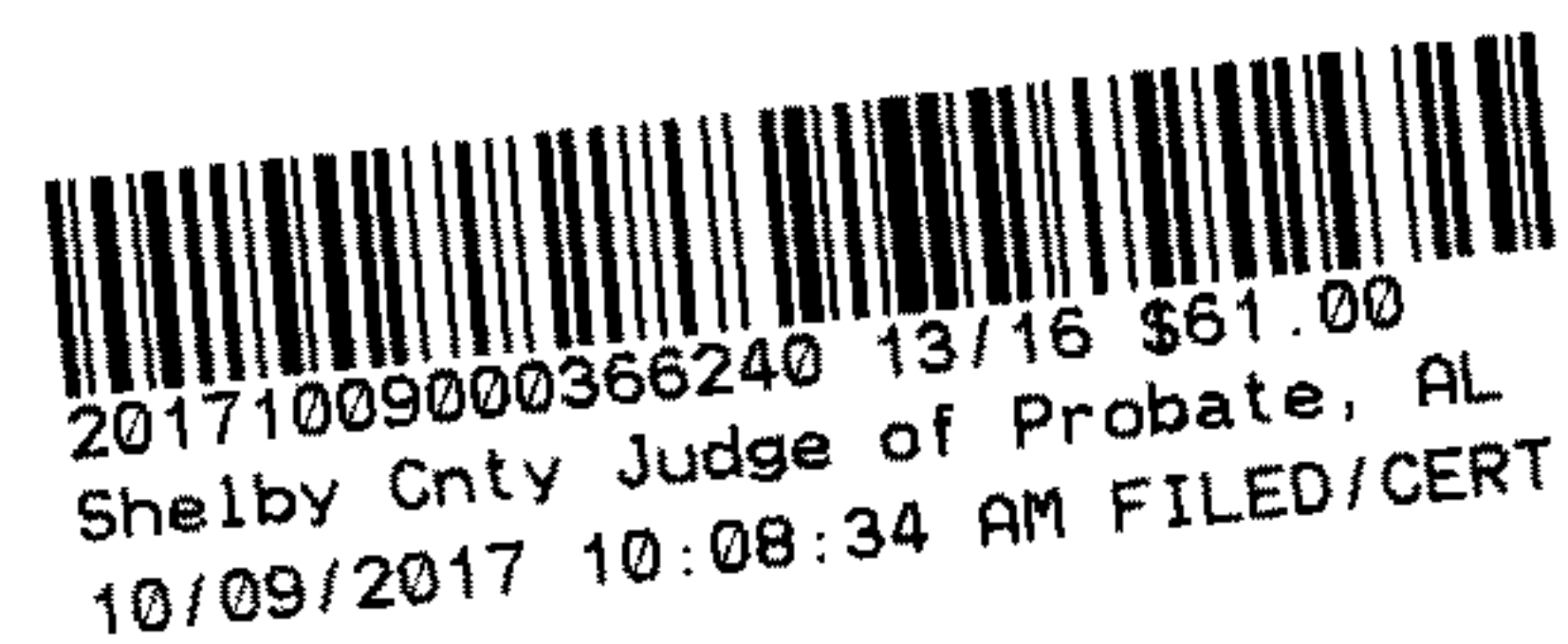
All of the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 18 South, Range 2 West.

All of the Northwest $\frac{1}{4}$, Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 18 South, Range 2 West.

All of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast of Section 25, Township 18 South, Range 2 West LESS AND EXCEPT: that property owned by John B Rudolph as recorded in Deed Book 309 Page 840 in the Office of Judge of Probate, Shelby County, Alabama.

Commence at the intersection of the east line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 18 South, Range 2 West and the south boundary of the Cahaba River as the point of beginning; thence run south along the said east line 635.43 feet; thence a deflection angle $90^{\circ}00'00''$ left for 50 feet; thence a deflection angle $90^{\circ}00'00''$ and run north to the south boundary of the Cahaba River; thence run westerly along the south boundary of the Cahaba River to the point of beginning.

Begin at the Northwest Corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Township 18 South, Range 2 West; thence run east 34.04 feet to a point on the west right of way line of Cahaba



Beach Road; thence run southeasterly along the west right of way line of said road 791.98 feet; thence run southwest 542.72 feet to a point on the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run north along the west line of said $\frac{1}{4}$ - $\frac{1}{34}$ section 664.13 feet to the point of beginning.

All of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 2 West.

All of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 2 West LESS AND EXCEPT: the right of way of Interstate 459 and Sicard Hollow Road; A parcel of property described as follows: Commence at the Southwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 2 West; thence run north 191.19 feet to the point of beginning; thence continue north 353.45 feet; thence a deflection angle $140^{\circ}04'16''$ right and run southeast 271.04 feet; thence a deflection angle $90^{\circ}00'00''$ right and run southwest 226.86 feet to the point of beginning; another parcel of property described as follows: Begin at the point of intersection of the east line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 2 West and the south right of way of Sicard Hollow Road ; thence run south along the said east line 525 feet; thence a deflection angle $90^{\circ}00'00''$ right and run west 100 feet; thence a deflection angle $90^{\circ}00'00''$ right and run north to the south right of way line of Sicard Hollow Road; thence run east along the south right of way line of Sicard Hollow Road to the point of beginning.

Begin at the Northeast Corner of Section 26, Township 18 South, Range 2 West; thence run west along the north line of said section 26 to its intersection with the southeast right of way line of Lakeside Drive; thence run southwest along the southeast right of way line of Lakeside drive to the northeast corner of Lot 9 of the First Sector of Blue Lake Estates as recorded in Map Book 64 Page 8 in the Office of Judge of Probate, Jefferson County, Alabama; thence run south along the east line of said subdivision 945.29 feet; thence a deflection angle $88^{\circ}35'46''$ left and run east 714.76 feet; thence a deflection angle $25^{\circ}44'47''$ left and run southeast 704.80 feet; thence a deflection angle $46^{\circ}30'55''$ left and run northeast 149.92 feet; thence a deflection angle $63^{\circ}30'11''$ right and run southeast 469.85 feet; thence a deflection angle $47^{\circ}01'26''$ right and run south 235.03 feet; thence a deflection angle $68^{\circ}29'53''$ right and run southwest 309.96 feet; thence a deflection angle $122^{\circ}15'00''$ left and run southeast 184.35 feet; thence a deflection angle $24^{\circ}45'00''$ left and run southeast 424.80 feet; thence a deflection angle $43^{\circ}45'00''$ right and run southeast 206.10 feet; thence a deflection angle $68^{\circ}29'30''$ right and run southwest 83.2 feet, more or less, to a point that is 75 feet southwest of the southwest right of way boundary of Alabama Power Transmission line; thence an angle right and run southeast along a line lying 75 feet southwest of the southwest right of way boundary of said Alabama Power Transmission line a distance of 1170 feet, more or less; thence turn an angle right and run southeast a distance of 558 feet, more or less, to the northeast corner of the City of Birmingham Fire Station lot; thence turn an angle right and run southwest along the southeast boundary of said City of Birmingham Fire Station lot a distance of 300 feet, more or less, to the northeast right of way of U S HWY 280; thence turn a angle left and run northeast along the said U S HWY 280 right of way boundary 572 feet, more or less, to the southwest corner of the Alabama Power Sub-Station lot; thence a deflection angle $90^{\circ}00'00''$ left and run 400.00 feet; thence a deflection angle $90^{\circ}00'00''$ right and run southeast 175.00 feet; thence a deflection angle 90° left and run northeast 200 feet; thence turn an angle right and run east 380 feet, more or less, to a point that is 150 feet west of the east boundary of section 26; thence turn an angle right and run south along a line that is parallel to and 150 feet west of the east

boundary of section 26 865 feet, more or less, to a point on the south line of said section 26; thence run east along the south line 150.00 feet to the southeast corner of said section 26; thence run north to the point of beginning.

Begin at the Northeast Corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 18 South, Range 2 West; thence run west along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 607.72 feet; thence a deflection angle $143^{\circ}39'01''$ and run southeast 253.05 feet; thence a deflection angle $36^{\circ}21'42''$ and run east 400.00 feet; thence a deflection angle $91^{\circ}22'43''$ and run north 150.08 feet to the point of beginning.

Commence at the Southeast Corner of Section 26, Township 18 South, Range 2 West; thence run west along the south line of said section 26 to its intersection with the south right of way of AL HWY 91/Cahaba River Road, being the point of beginning; thence continue along the same course to the southwest corner of the southeast $\frac{1}{4}$ of said section 26; thence run north along the west line of said $\frac{1}{4}$ section to its intersection with the south right of way of AL HWY 91/ Cahaba River Road/ thence run east along the south right of way of AL HWY 91/Cahaba River Road to the point of beginning; LESS AND EXCEPT: that property owned by Jefferson County and recorded in Deed Book 200103 Page 0185 (Parcel No.21 Portal Site) in the Office of Judge of Probate, Jefferson County, Alabama.

PARCEL 7


Commence at the Southeast Corner of Section 26, Township 18 South, Range 2 West; thence run west along the south line of said section 150 feet to the point of beginning; thence continue along the same course 189.5 feet, more or less, to its intersection with the northeast right of way line of U S HWY 280; thence a deflection angle right of $34^{\circ} 05'$ and run northwest along the northeast right of way line of U S HWY 280 828.5 feet to the southwest corner of the Alabama Power Sub-Station lot; thence a deflection angle right 90° and run northeast along the northwest boundary line of the Alabama Power Sub-Station lot to the northwest corner of said lot; thence a deflection angle right 90° and run southeast along the northeast boundary line of Alabama Power Sub-Station lot 175 feet; thence a deflection angle left 90° and run northeast 200 feet; thence a deflection angle right and run east 380 feet to a point 150 feet west of the east boundary of section 26; thence a deflection angle right and run south along a line parallel to and 150 feet west of the east boundary of section 26 to the point of beginning.

PARCEL 8

Commence at the Southeast Corner of Section 26, Township 18 South, Range 2 West and run west along the south line of said section 339.5 feet to its intersection with the northeast right of way of U S HWY 280; thence a deflection angle right $34^{\circ} 05'$ and run northwest along the northeast right of way line of U S HWY 280 1400 feet to the southeast corner of the City of Birmingham Fire Station lot; thence a deflection angle right 90° and run northeast along the southeast boundary line of the City of Birmingham Fire Station lot 300 feet to the northeast corner of said lot; thence a deflection angle left and run 558 feet to a point on a line 75 feet southwest of the southwest boundary line of Alabama Power Transmission right of way; thence a deflection angle left and run

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northwest 1170 feet along the said line 75 southwest of the southwest right of way line of Alabama Power Transmission to a point on the east boundary of Lot 5 of Grandview Corporate Park as recorded in Map Book 183 Page 93 in the Office of Judge of Probate , Jefferson County, Alabama; thence a deflection angle left and run south along the east line of said Lot 5 a distance of 455.48 feet; thence a deflection angle left of $12^{\circ} 58'$ and run south along said Lot 5 828.40 feet to a point on the northeast right of way line of U S HWY 280; thence a deflection angle left and run southeast along the northeast right of way line of U S HWY 280 1200 feet, more or less to the point of beginning.


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