

This instrument was prepared by:
Joshua L. Hartman
Hartman, Springfield & Walker, LLP
PO Box 846
Birmingham, AL 35201

Send Tax Notice To:
THE CITY OF HOOVER
Attn: City Clerk
100 Municipal Lane
Hoover, AL 35216

STATE OF ALABAMA

)

Grantor: *Flemming Partners, LLC*
3545 Market Street
Hoover AL 35226

:

SHELBY COUNTY

)

FMV: *\$120,870*

SPECIAL WARRANTY DEED

THIS STATUTORY WARRANTY DEED (this "Deed") is executed and delivered this 8th day of November, 2021 by **FLEMMING PARTNERS, LLC**, an Alabama limited liability company ("Grantor") in favor of **THE CITY OF HOOVER**, an Alabama municipal corporation, ("Grantee").

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten and NO/100ths Dollars (\$10.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does by these presents, grant, bargain, sell and convey unto Grantee, subject to the reservations, conditions and limitations contained herein, the real estate situated in Shelby County, Alabama described on **EXHIBIT "A"** and depicted on **EXHIBIT "B"**, each attached hereto and made a part hereof (the "Property").

This conveyance of the Property is subject to all matters of record.

TO HAVE AND TO HOLD unto the said Grantee, its successors and/or assigns forever.

GRANTOR makes no representation or warranties of any kind or character expressed or implied as to the condition of the Property. The Grantees have inspected and examined the Property and are purchasing same based on no representation or warranties express or implied, made by Grantor, but on their own judgment.

GRANTOR does for itself, and for its successors and/or assigns, reserve an easement in perpetuity, blanket in nature, over, under and across the Property herein conveyed, for the purposes of discharging stormwater runoff in accordance with all applicable laws and regulations of the State of Alabama and the United States, from adjacent properties owned by Grantor and/or Grantor's affiliates onto the Property, and in addition for access to and from the banks of the Cahaba River for purposes of complying with any and all requirement imposed by the United States Army Corps of Engineers mitigation plan affecting the Cahaba River and properties adjacent to the Property.

GRANTOR does further by this deed impose certain restrictions upon the future use of the Property, said restrictions to run with the land in perpetuity, as follows: (i) the Property shall be used solely for recreational use by the public, the recreational use shall be restricted to pedestrian and non-motorized bicycle activities; (ii) no lighting for recreational fields, courts, playing surfaces, or other high output area lighting of any nature shall be installed on the Property; (iii) the Property shall not be used for any residential purposes, public or private; and (iv) no motorized vehicles of any nature shall be permitted to operate on the Property other than emergency vehicles (police/fire/EMS etc.) and vehicles and equipment necessary to construct and maintain improvements incidental to public recreational facilities. The foregoing restrictions (i) thru (iv) notwithstanding, nothing contained herein shall prohibit or restrict use of those certain areas of the Property encumbered by express easements recorded prior to the date of this deed (the "PE Easements") in accordance with the express terms thereof, or the grant of future easements for vehicular access over and across the Property incidental to and providing access to not more than one (1) single family residential dwelling unit. For the avoidance of doubt, no portion of the Property herein conveyed (other than those portions encumbered by a PE Easement, in accordance with the express terms thereof) shall be used to access, or provide access to, more than one (1) single family residential dwelling unit, whether attached, detached or otherwise (for purposes hereof, single family residential dwelling unit means a building or a portion of any building consisting of one or more rooms including living, sleeping, eating, cooking, and sanitation facilities arranged and designed as temporary or permanent living quarters for one family or household; whether the same may be attached to, or detached from, one or more other dwelling units).



20220127000038080 1/5 \$35.00
Shelby Cnty Judge of Probate, AL
01/27/2022 11:27:06 AM FILED/CERT

IN WITNESS WHEREOF, the said Grantor has executed this conveyance, has hereto set its signature and seal this 8th day of November, 2021.

GRANTOR:

FLEMMING PARTNERS, LLC
an Alabama limited liability company

By: [Signature]
Name: Daryl Spears
CFO

Its:

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Daryl Spears whose name as CFO of FLEMMING PARTNERS, LLC, an Alabama limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer 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 8 day of NOVEMBER, 2021

My Commission Expires:

[Signature]
Notary Public

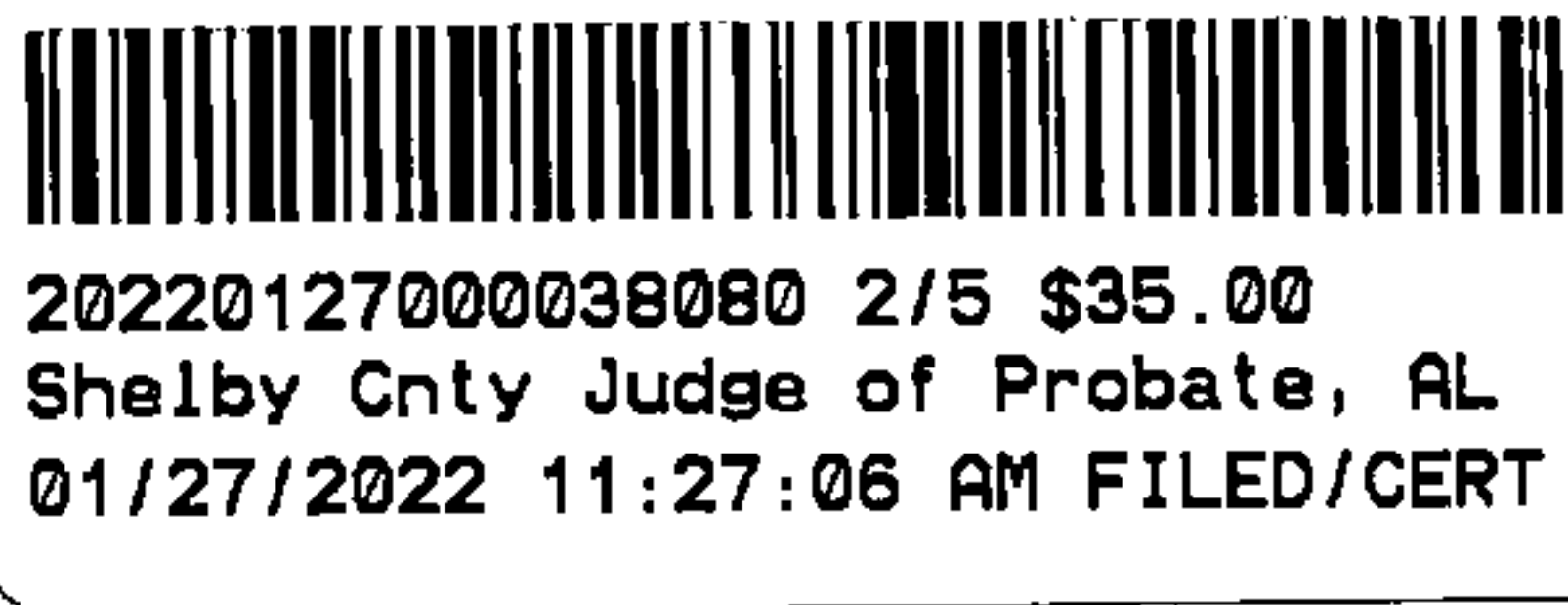
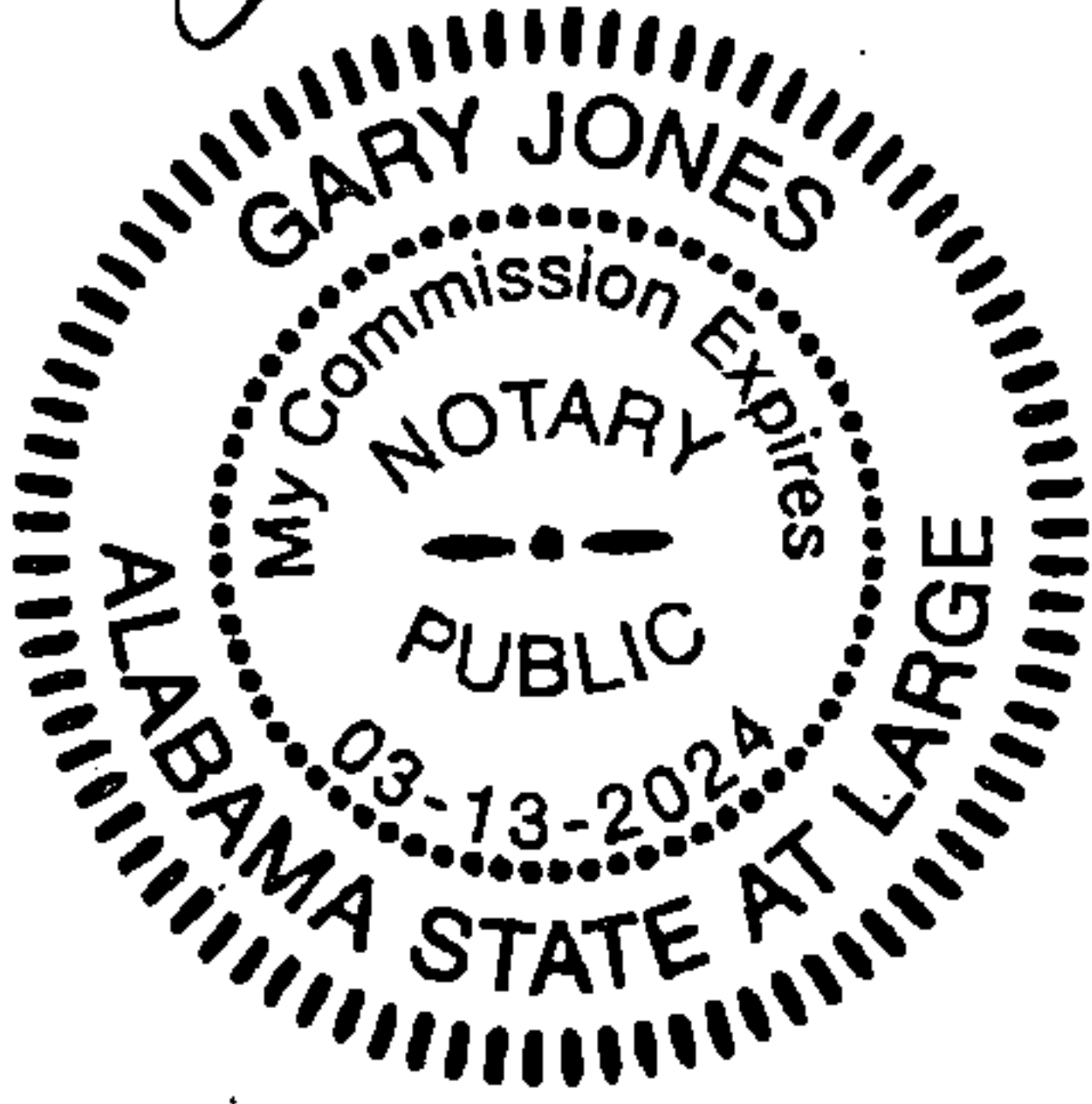


EXHIBIT "A"



20220127000038080 3/5 \$35.00
Shelby Cnty Judge of Probate, AL
01/27/2022 11:27:06 AM FILED/CERT

Parcel A (Property 1):

A parcel of land situated in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 20 South, Range 3 West, in the City of Hoover, Shelby County, Alabama, being more particularly described as follows:

BEGIN at a 3 inch capped pipe at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 20 South, Range 3 West, Shelby County Alabama and run in a Easterly direction along the South line of said 1/4 - 1/4 section for a distance of 638.71 feet to an ALAENG capped iron; thence leaving said South line, turn an interior angle to the right of 90°00'00" and run in a Northerly direction for a distance of 36.42 feet to an ALAENG capped iron located at the Southernmost corner of Lot 4247 according to the final plat of Abingdon by the River - Phase 3 as recorded in Map Book 54, Page 38 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an interior angle to the right of 130°38'28" and run in a Northwesterly direction along the Southwest boundary of said Lot 4247 for a distance of 73.22 feet to an ALAENG capped iron located at the Southwest corner of said Lot 4247; thence turn an interior angle to the right of 215°58'41" and run in a Northwesterly direction along the Southwest boundary of said Lot 4247 for a distance of 120.00 feet to an ALAENG capped iron located at the point of intersection of said lot boundary and the Southeasterly right-of-way margin of Annika Drive according to the previously described final plat; thence leaving said Lot 4247 boundary, turn an interior angle to the right of 90°00'00" and run in a Southwesterly direction along said Southeasterly right-of-way for a distance of 490.84 feet to an ALAENG capped iron at the P.C. (point of curvature) of a curve to the left having a radius of 200.00 feet and a central angle of 25°30'19"; thence run in a Southwesterly direction along the arc of said curve and along said right-of-way for the distance of 89.03 feet to an ALAENG capped iron at the point of intersection of said right-of-way and the West line of the previously described 1/4 - 1/4 section; thence leaving said right-of-way, turn an interior angle to the right of 127°12'57" (angle measured from tangent) and run in a Southerly direction along West line of said 1/4 - 1/4 section for a distance of 48.39 feet to the POINT OF BEGINNING.

Parcel B (Property 2):

A parcel of land situated in the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 20 South, Range 3 West, in the City of Hoover, Shelby County, Alabama, being more particularly described as follows:

COMMENCE at a 3 inch capped pipe at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 20 South, Range 3 West, Shelby County Alabama and run in a Easterly direction along the South line of said 1/4 - 1/4 section for a distance of 638.71 feet to an ALAENG capped iron, said point being the POINT OF BEGINNING; thence leaving said South line, turn a deflection angle to the left of 90°00'00" and run in a Northerly direction for a distance of 36.42 feet to an ALAENG capped iron located at the Southernmost corner of Lot 4247 according to the final plat of Abingdon by the River - Phase 3 as recorded in Map Book 54, Page 38 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an interior angle to the left of 108°03'14" and run in a Northeasterly direction along the Southerly boundary of said Lot 4247 for a distance of 30.00 feet to an ALAENG capped iron located at the common corner of said Lot 4247 & Lot 4246 according to the previously described final plat; thence run along the Southeasterly boundary of Lots 4246, 4245, 4244, 4243, 4242, 4241, 4240, and 4239 for the following 8 calls; thence turn an interior angle to the left of 192°26'41" and run in a Northeasterly direction for a distance of 77.81 feet to an ALAENG capped iron; thence turn an interior angle to the left of 184°48'05" and run in a Northeasterly direction for a distance of 76.23 feet to an ALAENG capped iron; thence turn an interior angle to the left of 193°36'50" and run in a Northeasterly direction for a distance of 76.50 feet to an ALAENG capped iron; thence turn an interior angle to the left of 175°07'22" and run in a Northeasterly direction for a distance of 72.66 feet; thence turn an interior angle to the left of 182°02'18" and run in a Northeasterly direction for a distance of 72.25 feet to an ALAENG capped iron; thence turn an interior angle to the left of 186°17'38" and run in a Northeasterly direction for a distance of 72.30 feet to an ALAENG capped iron; thence turn an interior angle to the left of 170°48'48" and run in a Northeasterly direction for a distance of 56.26 feet to an ALAENG capped iron; thence turn an interior angle to the left of 204°42'06" and run in a Northeasterly direction for a distance of 59.99 feet to an ALAENG capped iron located at the Easternmost corner of Lot 4239; thence leaving said Lot 4239 boundary, turn an interior angle to the left of 44°39'59" and run in a Southeasterly direction for a distance of 123.95 feet; thence turn an interior angle to the left of 108°43'27" and run in a Southwesterly direction for a distance of 494.82 feet to an ALAENG capped iron located on the South-line of the previously described 1/4-1/4 section; thence turn an interior angle to the left of 138°44'33" and run in an Easterly direction along said South-line for a distance of 93.69 feet to the POINT OF BEGINNING.

Parcel D (Property 4):

A parcel of land situated in the Northeast 1/4 of the Northeast 1/4 and the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 4, Township 20 South, Range 3 West, in the City of Hoover, Shelby County, Alabama, being more particularly described as follows:

BEGIN at a 3 inch capped pipe at the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 4, Township 20 South, Range 3 West, Shelby County, Alabama, and run North along the East-line of said 1/4-1/4 section for a distance of 48.39 feet to the point of intersection of said East-line and the Southerly right-of-way margin of Annika Drive according to the final plat of Abingdon by the River - Phase 3 as recorded in Map Book 54, Page 38, in the Office of the Judge of Probate, Shelby County, Alabama, said point being in a non-tangent curve to the left having a central angle of 18°15'42" and a radius of 200.00 feet; thence leaving said East-line, turn an interior angle to the right of 52°47'03" (angle

measured to tangent) and run in a Southwesterly direction along the arc of said curve and along said right-of-way for a distance of 63.75 feet to an ALAENG capped iron at the point of intersection of said right-of-way and the Northerly boundary of Common Area CA-18 according to the final plat of Abingdon by the River – Phase 2 as recorded in Map Book 53, Page 43 in the Office of the Judge of Probate, Shelby County, Alabama; thence leaving said right-of-way, turn an interior angle to the right of 90°0'0" (angle measured from tangent) and run in a Southeasterly direction along said Common Area boundary for a distance of 20.12 feet to an ALAENG capped iron; thence turn an interior angle to the right of 235°28'15" and run in a Southerly direction along the Easterly boundary of said Common Area for a distance of 350.46 feet to an ALAENG capped iron located at the Southeast corner of said Common Area; thence turn in interior angle to the right of 90°0'0" and run in an Easterly direction for a distance of 12.34 feet to an ALAENG capped iron; thence turn an interior angle to the right of 271°19'12" and run in a Southerly direction for a distance of 532.99 feet to an ALAENG capped iron; thence turn an interior angle to the right of 226°04'35" and run in a Southwesterly direction for a distance of 212.19 feet to an ALAENG capped iron; thence turn an interior angle to the right of 152°13'18" and run in a Southwesterly direction for a distance of 208.83 feet to an ALAENG capped iron; thence turn an interior angle to the right of 274°08'57" and run in a Northwesterly direction for a distance of 92.20 feet to an ALAENG capped iron; thence turn an interior angle to the right of 16°52'33" and run in a Southeasterly direction for a distance of 119.91 feet to an ALAENG capped iron; thence turn an interior angle to the right of 90°0'0" and run in a Northeasterly direction for a distance of 378.95 feet to an ALAENG capped iron located on the East-line of the previously described 1/4-1/4 section; thence turn an interior angle to the right of 139°21'25" and run in a Northerly direction along said East-line for a distance of 986.01 feet to the POINT OF BEGINNING;

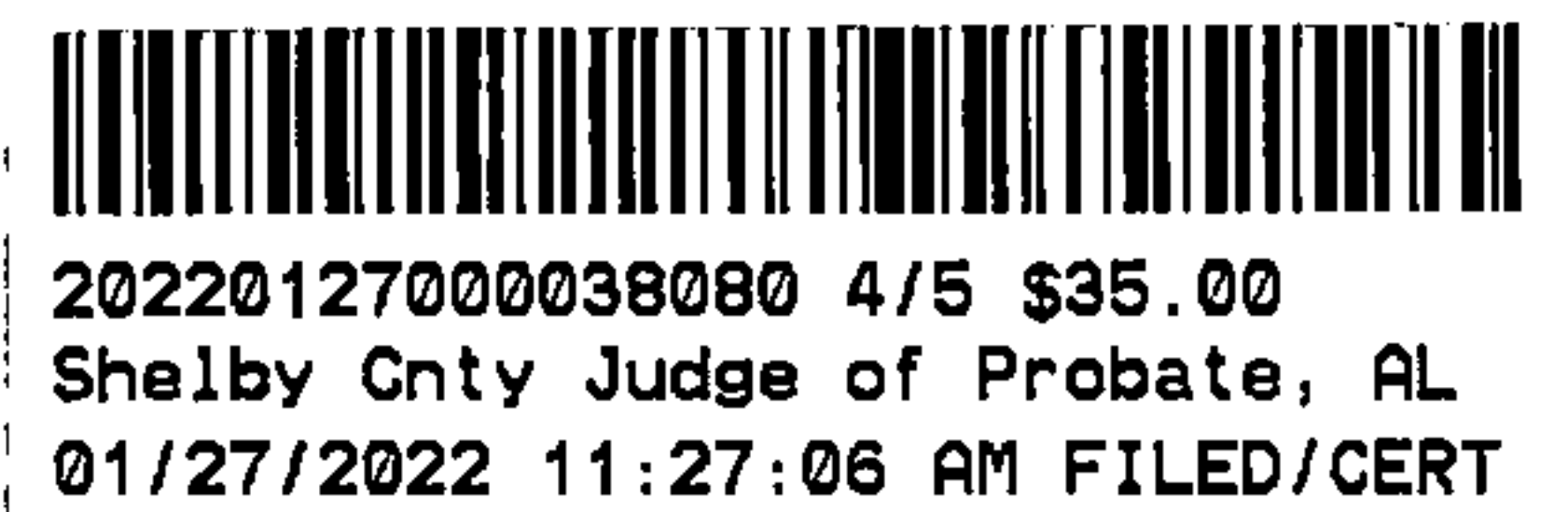


EXHIBIT "B"

City of Hoover
Park Donation Deed Exhibit

10/27/2021

