

STATE OF ALABAMA)
)
COUNTY OF MADISON)

UTILITY AND DRAINAGE EASEMENT

THIS CONVEYANCE made and entered into on this the ____ day of _____, 2023, by and between **THE CITY OF MADISON, an Alabama municipal corporation**, as Grantor, and **THE WATER AND WASTEWATER BOARD OF THE CITY OF MADISON, a public utility corporation organized under the laws of the State of Alabama doing business as MADISON UTILITIES**, as Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to Grantor in hand paid by Grantee, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has this day given, granted, bargained, sold and conveyed and does by these presents give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, a perpetual easement for utilities and drainage on, over, along, across, under and through the lands of the Grantor situated in Madison County, Alabama, particularly described as follows:

PARCEL 1 (Dog Park Easement):

A 25 FOOT PERMANENT UTILITY AND DRAINAGE EASEMENT LYING IN THE SE ¼ OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 WEST AND BEING LOCATED ON PROPERTY DESCRIBED IN DEED BOOK 2008 PAGE 43320 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SECTION 7, TOWNSHIP 4 SOUTH, RANGE 2 WEST, THENCE N 04°46'06" E FOR 40.54' TO A 5/8" REBAR FOUND ON THE NORTH RIGHT OF WAY OF MILL ROAD, SAID REBAR ALSO BEING ON THE SOUTH LINE OF MILLSTONE PHASE 6, THENCE N 82°54'22" W ALONG SAID RIGHT OF WAY FOR 225.92' TO A 5/8" REBAR FOUND, THENCE N 77°48'13" W ALONG SAID RIGHT OF WAY FOR 164.77' TO THE NORTHWEST INTERSECTION OF BALCH ROAD AND MILL ROAD, THENCE N 82°54'17" W FOR 76.43' TO THE SOUTHWEST CORNER OF AN EXISTING 20 FOOT WIDE SEWER EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE THE FOLLOWING CALLS ALONG THE WEST LINE OF SAID EXISTING 20 FOOT WIDE SEWER EASEMENT; N 09°42'35" E FOR 173.07' TO A POINT, THENCE N 05°35'16" E FOR 225.64' TO A POINT, THENCE N 00°00'00" E FOR 318.31' TO A POINT, THENCE N 20°20'05" W FOR 234.02' TO A POINT, THENCE N 34°15'18" E FOR 221.00', THENCE N 18°34'24" E FOR 367.81' TO A POINT, THENCE N 32°03'44" E FOR 297.09' TO A POINT, THENCE N46°07'44" E FOR 323.06' TO A POINT ON THE WEST RIGHT OF WAY OF BALCH ROAD, THENCE N 16°00'47" E ALONG SAID RIGHT OF WAY FOR 49.83' TO A POINT, THENCE LEAVING SAID RIGHT OF WAY S 46°07'44" W FOR 369.24' TO A POINT, THENCE S 32°03'44" W FOR 303.13' TO A POINT, THENCE S 18°34'24" W FOR 367.32' TO A POINT, THENCE S 34°15'18" W FOR 230.46' TO A POINT, THENCE S 20°20'05" E FOR 242.44' TO A POINT, THENCE S 00°00'00 W FOR 312.61' TO A POINT, THENCE S 05°35'16" W FOR 223.52' TO A POINT, THENCE S 09°42'35" W FOR 172.17' TO A POINT ON THE NORTH RIGHT OF WAY OF MILL ROAD, THENCE S 80°17'25" E ALONG SAID RIGHT OF WAY FOR 25.00' TO THE POINT OF BEGINNING.

AND ALSO,

PARCEL 2 (Easement for Balch Road):

A 30 FOOT WIDE PERMANENT UTILITY AND DRAINAGE EASEMENT LOCATED IN THE SW ¼ OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 2 WEST, AND BEING LOCATED ON THE PROPERTY DESCRIBED IN DEED BOOK 2006 PAGE 428320 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE SW ¼ OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 2 WEST; THENCE S 00°00'00" E FOR 215.57' TO A POINT; THENCE N 90°00'00" E FOR 30.26' TO A POINT LYING ON THE EAST

RIGHT-OF-WAY OF BALCH ROAD AND BEING THE POINT OF BEGINNING OF SAID EASEMENT; THENCE LEAVING SAID RIGHT-OF-WAY S 89°46'43" E FOR 1071.52' TO A POINT; THENCE N 67°30'00" E FOR 24.73' TO A POINT; THENCE S 36°32'40" W FOR 36.55' TO A POINT; THENCE S 20°18'21" W FOR 10.76' TO A POINT; THENCE N 89°46'42" W FOR 1069.58' TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF BALCH ROAD; THENCE ALONG SAID RIGHT-OF-WAY N 01°21'38" E FOR 30.00' TO THE POINT OF BEGINNING.

for the establishment, construction, installation, maintenance, repair, operation, use, replacement, relocating, upgrading, changing the size of and/or removal, at all or any time(s), of such improvements, facilities, equipment, fixtures, and appurtenances as may be necessary for the provision of electricity, telephone, cable television, communication and information services, water, gas and storm drainage, and any and all utilities together with the unimpaired right of entry and re-entry from time to time as occasion may require; the right to control, channel and/or discharge stormwater; the right to maintain said easement granted clear of trees, undergrowth and brush; and other purposes not inconsistent with the rights herein granted, with all the rights and privileges necessary or convenient for the full enjoyment and use thereof, for all the purposes above stated.

TO HAVE AND TO HOLD the above-described rights, privileges, and easement unto Grantee, and to its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed on the ____ day of _____, 2023.

GRANTOR:

THE CITY OF MADISON, an Alabama municipal corporation

ATTEST:

Lisa Thomas, City Clerk-Treasurer

By: _____
Paul Finley, Mayor

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Paul Finley and Lisa Thomas, whose names as Mayor and City Clerk-Treasurer, respectively, of THE CITY OF MADISON, ALABAMA, an Alabama municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, they, in their capacities as Mayor and City Clerk-Treasurer and with full authority, executed the same voluntarily and as the act of said municipal corporation on the day the same bears date.

Given under my hand and official seal on the ____ day of _____, 2023.

NOTARY PUBLIC
My commission expires: _____

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION, AND WHO ISSUED NO TITLE OPINION OR TITLE INSURANCE.

THIS INSTRUMENT PREPARED BY: W. TY STAFFORD, LANIER FORD SHAVER & PAYNE P.C., 2101 W. CLINTON AVE., SUITE 102, HUNTSVILLE, AL 35805, (256) 535-1100.