

Pursuant to Code of Alabama, Section 40-22-1, the following is verified by the signature of the Grantor below:

Grantor's Name: City of Foley, Alabama
Mailing Address: Post Office Box 1750
Foley, AL 36536

Grantee's Name: The Utilities Board of the City of Foley d/b/a Riviera Utilities
Mailing Address: Post Office Box 2050
Foley, Alabama 36536-2050

Property Address: 11970 Bender Road
Foley, Alabama

Date of Sale: _____, 2013
Total Purchase Price: \$73,800.00

STATE OF ALABAMA
COUNTY OF BALDWIN

DEED AND EASEMENTS

KNOW ALL MEN BY THESE PRESENTS that the **City of Foley, Alabama**, a municipal corporation, the Grantor, for and in consideration of the sum of Seventy Three Thousand Eight Hundred and 00/100 DOLLARS (\$73,800.00) and other good and valuable consideration hereby acknowledged to have been paid to the said Grantor by the **Utilities Board of the City of Foley d/b/a Riviera Utilities**, a public corporation, the Grantee, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, and to the successors and assigns of said Grantee, subject to the provisions hereinafter contained, that real property in the County of Baldwin, State of Alabama, described as follows, to-wit:

Lot 1 of the Foley Beach Express West Industrial Park, Phase 1 as shown on the plat recorded as Instrument Number 1418032 in Slide 2490-D, Baldwin County Probate Judge's records (comprising approximately 2.00 acres).

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said Grantee, in fee simple, and to the successors and assigns of said Grantee, FOREVER.

This conveyance and all warranties implied herein are made subject to any building setback lines, utility easements, and notes or restrictions on the property as shown on the recorded plats of said subdivision referenced above.

TOGETHER WITH a right-of-way and easement, for the purposes described below, over, under, that real property in the County of Baldwin, State of Alabama, described as follows, to-wit:

A one hundred foot (100') wide strip of land shown on the Foley Beach Express West Industrial Park, Phase 1 plat recorded as Instrument Number 1418032 in Slide 2490-D, Baldwin County Probate Judge's records and as shown on the Boundary Survey & Right-Of-Way Dedication plat recorded as Instrument Number 1418036 in Slide 2490-E, Baldwin County Probate Judge's records, which strip is more particularly described as follows:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-89°59'19"-E, 434.34 FEET TO A POINT; THENCE RUN S-00°03'07"-W, 100.00 FEET TO A POINT; THENCE RUN S-89°59'19"-W, 434.91 FEET TO A POINT; THENCE RUN S-89°54'56"-W, 1039.25 FEET TO A POINT; THENCE RUN N-00°02'22"-E, 100.00 FEET TO A POINT; THENCE RUN N-89°54'56"-E, 1039.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, a right-of-way and easement, for the purposes described below, over, under, that real property in the County of Baldwin, State of Alabama, described as follows, to-wit:

The south twenty feet (20') of the South Half (S ½) of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 27, Township 7 South, Range 4 East, Baldwin County, Alabama and being within Baldwin County Tax Parcel # 05-54-08-27-0-000-049.001 (PIN 017342).

Grantee's and its successors' and assigns' uses of the above-described easement areas are hereby limited to the non-exclusive right to construct, operate, maintain, repair, and replace above or below-ground transmission and distribution lines for electricity, telecommunications, and cable TV, and all towers, poles, conduits, conductors, cables, insulators, anchors, guy wires, counterpoise conductors and other equipment and appurtenances ancillary to the same, as well as the non-exclusive right to install below-ground transmission and distribution pipelines for natural gas, water, reuse water (irrigation), and sanitary sewer, and such other equipment and appurtenances ancillary to the same, from time to time, over, under and across the lands hereinabove described, and a right of survey to determine the boundaries of said strips of land together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof for the purposes above described, including the right of ingress and egress over and across said lands for the purposes of accessing Grantee's properties and easements conveyed herein or otherwise, and the right to cut, remove, or otherwise kill, and keep clear by any means, including chemicals, all trees and undergrowth and all other obstructions under, on or above said lands and danger trees adjacent thereto which now or may hereafter injure, endanger or interfere with any of the works on said lands.

Grantee's uses of the parcel of property conveyed in fee simple herein to Grantee are not limited by the above limitations or otherwise herein.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by its duly authorized officers on this the _____ day of _____, 2013.

City of Foley, Alabama
A municipal corporation

_____(SEAL)
By: John Koniar
Its: Mayor

Attest:

By: Vickey Southern
Its: City Clerk

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said County, in said State, hereby certify that John Koniar and Vickey Southern, whose names as Mayor and City Clerk, respectively, of the City of Foley, Alabama, a municipal corporation, 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 said conveyance, they, as such officers and with full authority, executed the same voluntarily on the day the same bears date, for and as the act of said municipal corporation.

Given under my hand and notarial seal on this the ____ day of _____, 2013.

Notary Public
My Commission Expires:_____
(Notary Seal)

This instrument was prepared by:

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