

RAILROAD PROPERTY RESERVATIONS AND RESTRICTIONS

SUBJECT TO the following reservations and restrictions which shall run with the land:

An easement and right of use for utility purposes conveyed to The Utilities Board of the City of Foley, its successors or assigns, which provides the right to construct, repair and maintain drainage ditches, storm sewers, and pipelines and appurtenances thereto; pumping stations; regulator stations, compressor stations; storm drains; utilities lines, including, but not limited to electric transmission and distribution lines, telephone lines, cable television or communication lines, and all poles, structures, guys or appurtenances thereto, over, under, along and across the real estate described above, all in accordance with the Easement of record in the office of the Judge of Probate of Baldwin County, Alabama, in Real Property Book 289, page 304-309. Construction of any building or structure on the property is prohibited. Party of the first part specifically reserves for itself and for The Utilities Board of the City of Foley and its assigns, an easement and right of ingress and egress over, along, upon or across the above described strip of land to exercise the rights and privileges reserved. Any use of the real estate described above by the party or parties of the second part (its successors or assigns, or his, her or their heirs or assigns) cannot infringe upon or jeopardize the rights reserved or conveyed to The Utilities Board of the City of Foley by the party of the first part. Party of the first part and The Utilities Board of the City of Foley, or their assigns, cannot be held responsible or liable to the party or parties of the second part (its successors or assigns, or his, her or their heirs, devisees or assigns) for any damages of any kind or nature as a result of the exercise of their rights and privileges reserved in this instrument and in the easement to the Utilities Board.

AND FURTHER SUBJECT TO, AND LESS AND EXCEPT, the following:

An easement, which is hereby reserved by the Grantor, over said real property for the limited purposes of constructing, improving and maintaining a sidewalk or pedestrian and/or bicycle path which includes the rights to install street lights, benches, and other improvements and facilities that are incidental or related thereto.

The above rights and privileges reserved shall be perpetual and run with the land described above unless expressly released, in writing, by the party of the first part or its successors or assigns.