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STATE OF GEORGIA
COUNTY OF COBB

86 NOV 17 P 4 38
H.C. [Signature]
COBB SUPERIOR COURT CLERK

FILED AND RECORDED

SEWER EASEMENTS

THESE SEWER EASEMENTS are made and given this 22nd day of August, 1984 by CUMBERLAND BRIDGE PARTNERS, an Illinois limited partnership (hereinafter referred to as "Grantor"), and HIRAM S. COCHRAN, an individual resident of Cobb County, Georgia (hereinafter referred to as "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor is the owner of a certain tract or parcel of land located in Land Lots 810, 811, 845 and 846 of the 17th District, 2nd Section, Cobb County, Georgia which is more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein and made a part hereof and is hereinafter referred to as "Grantor's Property" and being known as Cumberland Bridge Apartments, which is traversed by an existing sanitary sewer; and

WHEREAS, Grantee is the owner of a certain parcel of land located in Land Lots 845 and 846 of the 17th District, 2nd Section of Cobb County, Georgia which is contiguous to the eastern boundary of the aforesaid land of Grantor; and

WHEREAS, Grantee desires to have and Grantor is willing to grant two certain 20-foot permanent easements, and two certain 40-foot construction easements, for the construction, use and maintenance of sanitary sewers to serve the land of Grantee from the land of Grantee

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across portions of Grantor's Property and to the existing sewer on Grantor's Property.

NOW, THEREFORE, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration receipt and sufficiency of which is hereby acknowledged, Grantor has assigned and quitclaimed, and by these presents does assign and quitclaim unto the said Grantee, for the benefit of Grantee and the tenants of Grantee and his licensees, invitees, guests, servants, agents and employees, a perpetual non-exclusive easement over, across, under and through those certain tracts or parcel of land more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof, subject to paragraph 5 hereof, to install, construct, inspect, use, maintain and repair private sanitary sewer lines and to connect such private sanitary sewer lines, manholes and related facilities to a sanitary sewer line now existing on Grantor's Property and which has been dedicated to and is maintained by Cobb County, Georgia, said easement to also apply to any relocation of the existing sanitary sewer line, manholes and related facilities.

The foregoing easement is granted and shall be exercised subject to the following conditions and limitations:

1. Grantor shall have no obligation to pay any costs of installing or maintaining the above mentioned private sanitary sewer lines across Grantee's Property and connecting with the existing sanitary sewer line.

2. This easement shall initially be limited to the width described on Exhibit "B" attached hereto and to the limitations of paragraph 5 hereof. From and after the completion by Grantee of the installation of the aforementioned private sanitary sewer lines, the sanitary

sewer easements herein granted shall revert and be limited to a permanent width of twenty (20) feet, extending a uniform width of ten (10) feet on each side of and parallel to the center of the pipe installed pursuant hereto which shall be approximately in the center of the tracts described in Exhibit "B" attached hereto and to the limitations of paragraph 5 hereof; provided, however, in the event the sanitary sewer line presently existing on Grantor's Property is hereafter either relocated or discontinued and replaced by another sanitary sewer line, Grantee shall be entitled to relocate his private sanitary sewer lines and easements hereunder so as to connect the same to any such new or relocated sanitary sewer line, and in such event Grantor hereby agrees that it will quitclaim unto Grantee a located perpetual non-exclusive easement over, across, under and through Grantor's Property for such purposes, and in such event Grantee agrees that he will release his rights in the located easement herein granted to Grantor.

3. This easement shall run with the land and title to Grantor's Property and shall be binding and inure to the benefit of the Grantor and Grantee and their respective heirs, executors, legal representatives, successors and assigns. This easement shall be construed and enforced in accordance with the laws of the State of Georgia.

4. Grantor reserves and retains the right fully to utilize the surface of the easement areas so long as it does not interfere with or disturb the intended uses of Grantee and subject to Grantee's right to install, inspect and maintain said sanitary sewer lines; provided, however, that in the event that there are any improvements existing on the date hereof on Grantor's Property which are on any

part of the easement herein granted, Grantor hereby reserves the right to maintain such improvements, and to replace such improvements in the event of loss, damage or destruction thereof, Grantor shall not be deemed to be encroaching any easement rights of Grantee with respect to the existence, use, maintenance or replacement of such improvements, and, upon request of Grantor, Grantee will execute, acknowledge and deliver such documents in recordable form, as Grantor may reasonably request, to clarify that no improvement on the Grantor's Property existing on the date hereof, shall be deemed to be an encroachment of the easement herein granted.

5. Grantee agrees that he shall use his easement rights granted hereunder so as to create a minimum of disruption, consistent with the work to be performed, to Grantor's Property, and he shall at his sole cost and expense, repair any damage to the surface of Grantor's Property caused by the use of the easement herein granted, including, without limitation, grading, sodding, and repaving, and the cost of making any such repair shall be a lien on the property of Grantee described herein.

6. In addition to, but as an integral part of, the foregoing easement grant, Grantor does hereby assign to Grantee perpetual non-exclusive permanent easement rights and benefits over, through and across that certain property described in Exhibit "A" attached to that certain Sewer Easement dated March 30, 1981 from Post Lake, Ltd. to Cumberland Bridge Associates, Ltd. recorded in Deed Book 2337, Page 359, aforesaid Cobb County Records as derived from and for the purposes and uses set forth in said Sewer

Easement, said rights and benefits to be enjoyed non-exclusively with Grantor and others.

IN WITNESS WHEREOF, Grantor has executed and delivered this easement under the hand and seal of its sole general partners as of the day and year first above written.

CUMBERLAND BRIDGE PARTNERS,
an Illinois Limited Partnership

By Balcor Personal Trust Advisors,
General Partner

By: RGF-Balcor Associates-II

By Joseph B. Kyri

Signed, seal and delivered
in the presence of:

Catherine A. Tallant Vanderweert
Unofficial Witness

Kristen Lee
Notary Public

Commission Expiration Date:

June 30, 1987

(Notarial Seal)



TRACT I

All that tract or parcel of land lying and being in Land Lot 810, 811, 845, and 846 of the 17th District, Second Section, Cobb County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the southern right of way of Spring Road (a 100 foot right of way) with the line common to Land Lot 810 and 846, said point also being located at the northeasterly corner of the right of way of Hightower Lane (a 40 foot right of way); running thence along the southern right of way of Spring Road north $88^{\circ} 50' 10''$ east 40 feet to an iron pin set on the southerly right of way of Spring Road; thence running south $00^{\circ} 44' 50''$ east 544.38 feet to an iron pin set; thence running south $88^{\circ} 50' 10''$ west 40 feet to an iron pin set on the line common to Land Lots 810 and 846; thence running along the line common to Land Lots 810 and 846 south $0^{\circ} 42' 10''$ east 962.58 feet to an iron pin found on the northwestern right of way of the Louisville & Nashville Railroad (a 66 foot right of way) thence running along said northwestern right of way and following the curvature thereof 145.04 feet along an arc (said arc being subtended by a chord bearing of south $53^{\circ} 7' 50''$ west 145 feet and said circle having a radius of 1,876.96 feet) to a point located on said northwestern right of way; thence running south $78^{\circ} 36' 20''$ west 225.18 feet to a point; thence running south $43^{\circ} 09' 40''$ west 207.22 feet to a point located on the northwestern right of way of the Louisville & Nashville Railroad (a 66 foot right of way); thence running along said northwestern right of way and following the curvature thereof 197.46 feet along an arc (said arc being subtended by a chord bearing of south $70^{\circ} 57' 30''$ west 197.37 feet and said circle having a radius of 1,876.96 feet) to a concrete monument located upon said northwestern right of way; thence running north $00^{\circ} 27' 35''$ west 656.88 feet to an iron pin found on the line common to Land Lots 810 and 811; thence along said Land Lot line south $89^{\circ} 12' 25''$ west 26.10 feet to an iron pin found; thence running north $00^{\circ} 51' 20''$ east 23.10 feet to an iron pin found on the northerly right of way of Woodruff Drive, a 30 foot right of way; thence along the northerly, northeasterly and easterly right of way of Woodruff Drive and following the curvature thereof, the following courses and distances: north $77^{\circ} 53' 20''$ west 122.25 feet to an iron pin found; thence running 72.4 feet along the arc of a curve to the right of a 71.81 foot radius circle, said arc being subtended by a chord bearing north $45^{\circ} 44' 45''$ west 69.38 feet to an iron pin found; thence running north $13^{\circ} 37' 30''$ west 47.71 feet to an iron pin found; thence 46.53 feet along the arc of a curve to the right of a 60.4 foot radius circle (said arc being subtended by a chord bearing of north $08^{\circ} 44'$ east 45.38 feet) to an iron pin found; thence running north $30^{\circ} 28'$ east 20.70 feet to an iron pin found; thence running 70.18 feet along the arc of a curve to the left of a 194.05 foot radius circle (said arc being subtended by a chord bearing of north $20^{\circ} 24' 30''$ east 69.80 feet) to an iron pin found; thence running 146.29 feet along the arc of a 1,141.79 foot radius circle (said arc being subtended by a chord bearing of north $6^{\circ} 19' 40''$ east 146.19 feet) to an iron pin found; thence running 142.44 feet along the arc of a 1,481.56 foot radius circle (said arc being subtended by a chord bearing north $00^{\circ} 09' 10''$ west 142.38 feet) to an iron pin found;

EXHIBIT A

thence running north $02^{\circ} 32' 25''$ west 84.75 feet to an iron pin found; thence leaving said right of way and running north $86^{\circ} 45' 40''$ east 135.75 feet to an iron pin found; thence running south $89^{\circ} 40' 35''$ east 421.46 feet to an iron pin found; thence running north $67^{\circ} 01' 35''$ east 231.91 feet to an iron pin found at the southwestern corner of Hightower Lane a 40 foot right of way; thence running north $89^{\circ} 06' 20''$ east 40 feet to an iron pin found at the intersection of southeastern corner of Hightower Lane and the east line of Land Lot 810; thence running north $00^{\circ} 44' 50''$ west 456.82 feet to an iron pin found at the northeasterly corner of Hightower Lane, said point also being located at the intersection of the southern right of way of Spring Road with the line common to Land Lots 810 and 846, and being the POINT OF BEGINNING.

All as is more particularly described and delineated in a survey for Cumberland Bridge Associates, dated April 30, 1980 last revised August 6, 1980, being Tract 1 thereof, containing 20.496 acres.

TRACT II

All that tract or parcel of land lying and being in Land Lot 810 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING begin at an iron pin found at the intersection of the eastern boundary line of Land Lot 810 and the southern right of way of Spring Road, a 100 foot right of way, thence running south $88^{\circ} 50' 10''$ west along the southern right of way of Spring Road 40 feet to a bolt; thence running south $00^{\circ} 44' 50''$ east 207.09 feet to an iron pin found and the POINT OF BEGINNING; thence running south $67^{\circ} 10' 45''$ west 232.38 feet to an iron pin set; thence running south $0^{\circ} 55' 05''$ east 250 feet to an iron pin found; thence running north $67^{\circ} 01' 35''$ east along a boundary of the foregoing Tract I 231.91 feet to an iron pin found; thence running north $00^{\circ} 44' 50''$ west 249.60 feet to the POINT OF BEGINNING.

Along the westerly right of way of Hightower Lane
All as is more particularly described and delineated in a survey for Cumberland Bridge Associates, dated April 30, 1980 last revised August 6, 1980, being Tract 2 thereof containing 1.234 acres.

TRACT III

All that tract or parcel of land lying and being in Land Lots 845 and 846 of the 17th District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

THE POINT OF BEGINNING IS APPROACHED AS FOLLOWS: Begin at an iron pin found at the intersection of the southern right of way of Spring Road (a 100 foot right of way) with the line common to Land Lots 810 and 846, said point also being located at the northeasterly corner of the right of way of

Hightower Lane (a 40 foot right of way); run thence along the southern right of way of Spring Road north 88° 50' 10" east 40.0 feet to an iron pin set on the southerly right of way of Spring Road; run thence south 00° 44' 50" east 544.38 feet to an iron pin set; run thence south 88° 50' 10" west 40.00 feet to an iron pin set at the POINT OF BEGINNING; running thence south 0° 42' 10" east along the boundary of the foregoing Tract I 962.58 feet to an iron pin found on the northern right of way of Louisville & Nashville Railroad (a 66 foot right of way); running thence northeasterly as measured along the arc of the northern right of way of said Louisville & Nashville Railroad 22.26 feet to a point, said arc having a chord bearing north 50° 50' east 22.26 feet; running thence north 0° 42' 10" west 948.88 feet to a point; running thence south 88° 50' 10" west along the boundary of the foregoing Tract I 17.42 feet to an iron pin set at the POINT OF BEGINNING.

Being Tract 4 as shown on a survey for Cumberland Bridge Assoc., dated April 30, 1980 last revised August 6, 1980 prepared by Milton Robert Lemon and D. Eugene Kay, Registered Land Surveyors.

Being the same property described in that General Warranty Deed from Cumberland Bridge Associates, Ltd. to Cumberland Bridge Joint Venture, dated April 10, 1981, filed for record April 10, 1981 at 3:09 P.M., recorded at Deed Book 2339, commencing at Page 461, records of the Clerk of the Superior Court of Cobb County, Georgia.

EXHIBIT "B"

EASEMENT PARCEL ONE

All that tract or parcel of land lying and being in Land Lot 810, 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at a point on the south side of Spring Road (which road has a 100-foot right-of-way), said point being located north 88 degrees 50 minutes 30 seconds east as measured along the south side of said Spring Road from the point of intersection of said south side of Spring Road and the east line of Land Lot 810; thence running south 00 degrees 44 minutes 50 seconds east 544.38 feet to a point; thence running south 88 degrees 50 minutes 10 seconds west 22.58 feet to a point; thence running south 00 degrees 42 minutes 10 seconds east 503.46 feet to a point and the true point of beginning; from the true point of beginning as thus established, run thence south 00 degrees 42 minutes 10 seconds east a distance of 40 feet to a point; thence running south 89 degrees 17 minutes 50 seconds west a distance of 100 feet to a point; thence running north 00 degrees 42 minutes 10 seconds west a distance of 40 feet to a point; thence running north 89 degrees 17 minutes 50 seconds east 100 feet to a point and the true point of beginning.

EASEMENT PARCEL TWO

All that tract or parcel of land lying and being in Land Lot 810, 17th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at a point on the south side of Spring Road (which road has a 100-foot right-of-way), said point being located north 88 degrees 50 minutes 30 seconds east as measured along the south side of said Spring Road from the point of intersection of said south side of Spring Road and the east line of Land Lot 810; thence running south 00 degrees 44 minutes 50 seconds east 544.38 feet to a point; thence running south 88 degrees 50 minutes 10 seconds west 22.58 feet to a point; thence running south 00 degrees 42 minutes 10 seconds east 897.42 feet to a point and the true point of beginning; from the true point of beginning as thus established, run thence south 00 degrees 42 minutes 10 seconds east 51.04 feet to a point; thence running south 50 degrees 50 minutes 00 seconds west 22.26 feet to a point; thence running along the arc of a curve for a distance of 145.04 feet, which arc has a chord bearing south 53 degrees 07 minutes 50 seconds west for a distance of 145.00 feet to a point; thence running south 78 degrees 36 minutes 20 seconds west 90 feet to a point; thence running north 11 degrees 23 minutes 40 seconds west 40.0 feet to a point; thence running north 78 degrees 36 minutes 20 seconds east 80.96 feet to a point; thence running north 53 degrees 07 minutes 50 seconds east 135.96 feet to a point; thence running north 50 degrees 50 minutes 00 seconds east 52.41 feet to a point at the true point of beginning.

Both of the foregoing described easement parcels are described according to that certain plat of survey for Cochran Management Company dated December 22, 1982 revised February 17, 1984, prepared by J. S. Ross & Associates, James L. Ross, Georgia RLS No. 1556.