

STATE OF ALABAMA

BALDWIN COUNTY

EASEMENT FOR PLACEMENT, CONSTRUCTION,
MAINTENANCE, AND USE OF SAND AND ASSOCIATED
SAND STABILIZATION STRUCTURES, VEGETATION,
VEGETATION IRRIGATION SYSTEMS, AND ACCESS STRUCTURES

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantors do hereby grant, bargain, and convey unto The City of Orange Beach, Alabama, a municipal corporation, and the State of Alabama, by and through the Commissioner of the Department of Conservation and Natural Resources, (hereinafter "Grantees"), a permanent easement for placement, construction, maintenance and use of sand and associated sand stabilization structures, vegetation, vegetation irrigation systems, and access structures for protection against tides, seas, and waves, and for use in the establishment and maintenance of beach projects pursuant to *Ala. Code* Sections 11-47-250-252, over, on, upon, under, through, and across certain lands of Grantors lying landward of the mean high tide line more particularly described on Exhibit A attached hereto (hereinafter the "Easement").

Grantors do hereby grant and confer upon Grantees, their officers, employees, agents, representatives, contractors, successors and assigns the rights and privileges:

- (a) to place, construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace sand and associated sand stabilization structures, vegetation, vegetation irrigation systems, and access structures on the Easement (an area from the mean high tide line to the Coastal Construction Line [CCL]);
- (b) to accomplish any alterations of contours on the Easement;
- (c) to construct embankments, berms, and dunes on the Easement and to nourish and renourish such periodically;
- (d) to move, store, and remove vehicles, equipment, and supplies on and from the Easement; provided, however, that except as may be expressly provided otherwise on Exhibit A, nothing in this instrument shall be construed to confer any right, privilege or license on any person or entity to enter or transit any other property of Grantors for the purpose of gaining access to the Easement;
- (e) to erect and remove temporary structures on and from the Easement;
- (f) to reasonably manage, regulate, and restrict activity on the Easement so as to facilitate protection, stabilization, and maintenance of embankments, berms, dunes, vegetation, and associated systems and structures on the Easement;
- (g) to remove debris and obstructions from the Easement, reserving, however, to the Grantors and their heirs, successors, and assigns the right to construct and maintain dune overwalk structures insofar as such are otherwise constructed and maintained in compliance with all applicable federal, state, and municipal laws and regulations and with all necessary governmental approvals; and
- (h) to perform any other actions appropriate and incidental to the construction, renourishment, and maintenance of beach projects as defined under *Ala. Code* Section 11-47-250.

To the extent that the Easement is situated upon lands constituting common elements of a condominium, Grantor represents and warrants that it is the duly constituted unit owners' association with respect to such common elements and that it has all necessary authorization under the applicable declaration of condominium, under its bylaws, and under the Condominium Ownership Act, the Alabama Uniform Condominium Act of 1991, or both, as applicable, to execute and deliver this instrument to Grantees.

829411

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To Have and to Hold the same unto the said Grantees, their successors and assigns, for the purpose of exercising the said rights, privileges, and easements hereinabove described.

In Witness Whereof, the said Grantor has signed and sealed these presents on the date(s) written below.

Dated: July 1, 2004

Wind Drift Owners' Association, a corporation

(Affix Corp. Seal)

By Jack H. McGuire, Jr.
Its President

Attest: _____
Its _____

Jack H. McGuire, Jr.

GRANTOR

STATE OF Alabama

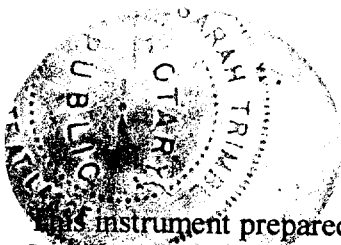
COUNTY OF Baldwin

I, Sarah Trimble, a Notary Public in and for said County in said State, hereby certify that Jack H. McGuire whose name as President of Wind Drift Owners' Association, Inc., a corporation, is signed to the foregoing Easement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Easement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this 1 day of July, 2004.

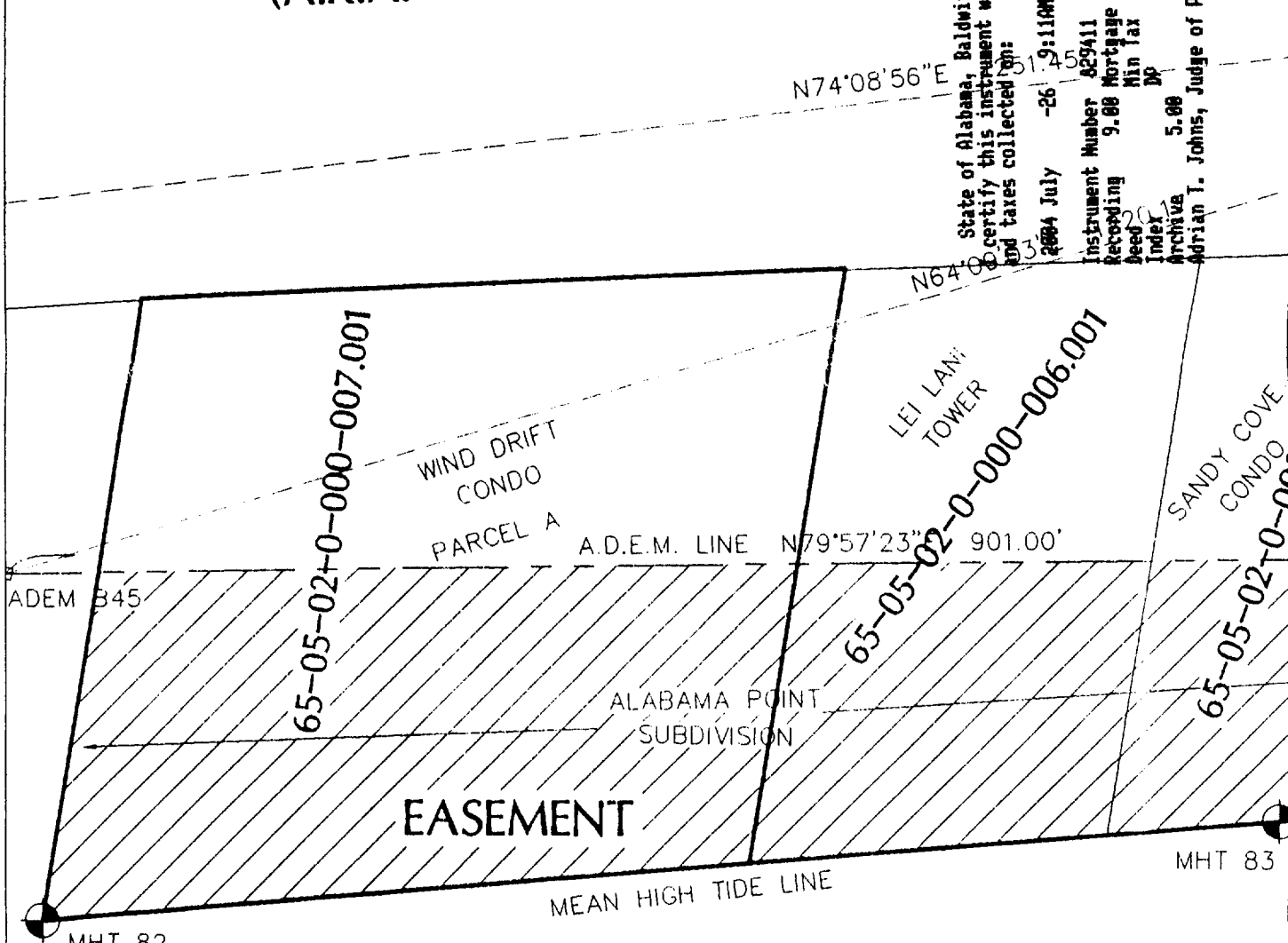
(Affix Seal)

Sarah Trimble
Notary Public
My Commission Expires: 4/15/06



This instrument prepared by:
Lawrence P. Satey, Esq.
City of Orange Beach
P.O. Box 2208
Orange Beach, AL 36561

PERDIDO BEACH BOULEVARD (A.K.A. ALABAMA HIGHWAY 182)



State of Alabama, Baldwin County
 I certify this instrument was filed
 and taxes collected on:
 2004 July -26 9:11AM
 Instrument Number 829411 Pages 3
 Recording Fee 9.00 Mortgage
 Index Fee 5.00
 Archival Fee 5.00
 Adrian T. Johns, Judge of Probate

EASEMENT:

ALL THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING LANDWARD OF THE MEAN HIGH TIDE LINE AND SEAWARD OF THE A.D.E.M. LINE AS DESCRIBED ON THE CERTAIN MEAN HIGH TIDE LINE SURVEY BASE MAP RECORDED ON SLIDES 2144B, 2144C, 2144D, 2144E, 2144F, 2145A, 2145B, 2145C, 2145D, 2145E, 2145F AND 2146A, IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA, LESS, EXCEPT, AND EXCLUDING ALL PORTIONS OF SUCH PROPERTY LYING LANDWARD OF ANY BULKHEAD OR SEAWALL EXISTING SOUTH OF THE A.D.E.M. LINE AS SHOWN ON SUCH BASE MAP, AND LESS, EXCEPT, AND EXCLUDING ALL PORTIONS OF SUCH PROPERTY LYING BENEATH ANY HABITABLE STRUCTURES EXISTING SOUTH OF THE A.D.E.M. LINE AS SHOWN ON SUCH BASE MAP.

Parcel ID: 65-05-02-0-000-007.001

PROPERTY DESCRIPTION OF RECORD:

COMMENCE AT A POINT ON THE WEST LINE OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 33 WEST, TALLAHASSEE MERIDIAN, BALDWIN COUNTY, ALABAMA, WHERE SAID WEST LINE INTERSECTS THE SOUTH RIGHT-OF-WAY (300') OF ALABAMA HIGHWAY 182; THENCE RUN NORTH 77°02'00" EAST ALONG THE SOUTH RIGHT-OF-WAY OF SAID HIGHWAY 182 FOR A DISTANCE OF 615.70 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF STATE OF ALABAMA PROPERTY, WHERE SAID RIGHT-OF-WAY OF HIGHWAY 182 CHANGES FROM A 300' RIGHT-OF-WAY TO A 200' RIGHT-OF-WAY HAVING A ROAD STATION OF 78+00.75; RUN THENCE NORTH FOR 51.13 FEET TO A CONCRETE MONUMENT FOUND ON THE SOUTH RIGHT-OF-WAY OF SAID HIGHWAY NO. 182; RUN THENCE NORTH 77°02'00" EAST ALONG SAID RIGHT-OF-WAY FOR 207.17 FEET; RUN THENCE SOUTH 06°28'14" EAST FOR 157 FEET; RUN THENCE NORTH 83°33'48" EAST FOR 45 FEET; RUN THENCE SOUTH FOR 170 FEET, MORE OR LESS, TO THE MARGIN OF THE GULF OF MEXICO; RUN THENCE IN A WESTERLY DIRECTION ALONG SAID MARGIN OF THE GULF OF MEXICO TO A POINT THAT IS SOUTH 280 FEET, MORE OR LESS, FROM THE POINT OF BEGINNING; RUN THENCE NORTH FOR 280 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SAID LAND BEING IN SECTION 2, TOWNSHIP 4, RANGE 33 WEST, TALLAHASSEE MERIDIAN, BALDWIN COUNTY, ALABAMA.



EXHIBIT "A" Sketch for Easements – Beach Renourishment The City of Orange Beach, Alabama

Drawn By	CD	Scale	1" = 100'
Checked By	BCJ	Drawing File Location:	\\PROJECTS\BEACH\EASEMENTS 2002\
Township 9 South, Range 3 East & Range 4 East, Baldwin County, Alabama			
Project No.	599-190	Date	02/19/04

Lucido & Oliver Inc.
 Consulting Engineers & Land Surveyors
 1538 Gulf Shores Parkway
 Gulf Shores, Alabama 36542
 Tel.: (334) 967-3250 Fax: (334) 967-3251
 email: loincorp@gulfnet.com