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ABOVE SPACE FOR RECORDING INFORMATION ONLY

Prepared by:

**BOUHAN  
FALLIGANT**  
ATTORNEYS & COUNSELORS AT LAW

One West Park Avenue  
Savannah, GA 31401  
ATTN: Robert B. Brannen, Jr., Esq.  
(912) 644-5721  
File Number: 21443-1

Please cross reference:

Plat Book 36-P, page 35  
Plat Book 52, page 201  
Plat Book 52, page 402

**EASEMENT RELOCATION**  
**AGREEMENT**

This Easement Relocation Agreement (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH** (the "City") and **NATIONAL LAND GROUP, LLC**, a Delaware limited liability company ("Parcel 2 Owner"), **NATIONAL HOTEL INVESTMENT GROUP, LLC**, a Georgia limited liability company ("Parcel 3 Owner") and **FAIRMONT HOTELS PROPERTY OWNERS ASSOCIATION, INC.**, a Georgia corporation ("Parcel 1"),

Owner”; the City, Parcel 2 Owner, Parcel 3 Owner and Parcel 1 Owner shall be collectively referred to as the “Parties”).

**WITNESSETH:**

**WHEREAS**, Parcel 2 Owner, Parcel 3 Owner and Parcel 1 Owner are the owners of Parcel 2, Parcel 3 and Parcel 1, respectively as shown on that that plat entitled, “Minor Subdivision, Abercorn Commons Phase II-A, 6<sup>th</sup> G.M. District, Savannah, Chatham County, Georgia,” prepared by Wesley P. Weitman, G.R.L.S. No. 3343, dated January 9, 2020, and recorded in [Deed Book 52, page 402](#), Chatham County, Georgia records (collectively the “Hotel Site”);

**WHEREAS**, the City is the beneficiary of certain easement rights over the Hotel Site shown as “25’ Utility Easement and 15’ Utility Easement on that plat entitled, “Plat of Utility Easements for Abercorn Common, Formerly Somerset Park Subdivision, 6<sup>th</sup> G.M. District, Savannah, Chatham County, Georgia,” prepared by Charles W. Tuten, Jr., G.R.L.S. No. 2345, dated January 26, 2007, and recorded in [Plat Book 36-P, page 35](#), Chatham County, Georgia records, and on that plat entitled, “Recombination Survey, Abercorn Commons Phase II-A, being Abercorn Commons Phase II, All of Lot 33 & The Southwestern Portion of Lot 32, Sommerset Park, 6<sup>th</sup> G.M. District, Savannah, Chatham County, Georgia,” prepared by Wesley P. Weitman, G.R.L.S. No. 3343, dated October 3, 2019, and recorded in [Deed Book 52, page 201](#), Chatham County, Georgia records (the “Old Easement Areas”).

**WHEREAS**, the water and sanitary sewer lines located within the Old Easement Areas have been moved to new locations on the Hotel Site within the easements shown as “25’ City of Savannah Public Utility Easement, Typ.” and “15” City of Savannah Public Utility Easement, Typ.” as shown on that plat entitled, “Minor Subdivision, Abercorn Commons Phase II-A, 6<sup>th</sup> G.M. District, Savannah, Chatham County, Georgia,” prepared by Wesley P. Weitman, G.R.L.S. No. 3343, dated January 9, 2020, and recorded in [Deed Book 52, page 402](#), Chatham County, Georgia records (the “Relocated Easement Areas”)

**WHEREAS**, the Parties desire to terminate the easement rights within the Old Easement Areas and confirm the location of the easement rights within the Relocated Easement Areas;

**NOW THEREFORE**, for and in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. All easement rights over, under and across the Old Easement Areas within the Hotel Site are hereby terminated in their entirety.
2. Parcel 2 Owner, Parcel 3 Owner and Parcel 1 Owner hereby grant unto the City, its successors and assigns, a perpetual, non-exclusive easement, across, over, and

under the Relocated Easement Areas for the purposes of accessing, operating, maintaining, repairing, modifying and/or replacing water and sanitary sewer utilities, together with a right of access over the driveways located on Parcel 1, as they may exist from time to time. The Parcel 2 Owner, Parcel 3 Owner and Parcel 1 Owner hereby reserve the right to use the Relocated Easement Area for any purpose that does not unreasonably interfere with the City's permitted use of the Relocated Easement Area ("Other Non-Conflicting Uses"), including specifically for use as a common area containing paved driveways, parking areas and landscaped medians for the Hotel Site, and for other utilities.

Notwithstanding the foregoing, Other Non-Conflicting Uses developed over or under the City water and sanitary sewer utilities must be specifically approved by the City in its sole discretion, and if the City must impact these Other Non-Conflicting Uses to access, repair, maintain, modify or replace the City water and sanitary sewer utilities, then the underlying Parcel Owner shall be solely responsible for the cost of restoring the site and Other Non-Conflicting Uses. However, any Other Non-Conflicting Uses appearing on construction plans approved and permitted by the City shall be deemed to be specifically approved by the City in its sole discretion.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement under seal the day and year written above.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**CITY:**

**MAYOR AND ALDERMEN OF THE CITY  
OF SAVANNAH**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[NOTARIAL SEAL]

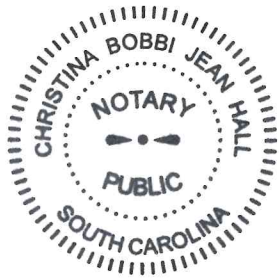
Signed, sealed and delivered  
in the presence of:

Mary A. Sulz  
Unofficial Witness

Christina Bobbi Jean Hall  
Notary Public S.C.

My Commission Expires:  
June 28, 2029

[NOTARIAL SEAL]



**PARCEL 1 OWNER:**

**FAIRMONT HOTELS PROPERTY  
OWNERS ASSOCIATION, INC**  
a Georgia corporation

By: [Signature]  
Dhaval J. Desai, as President

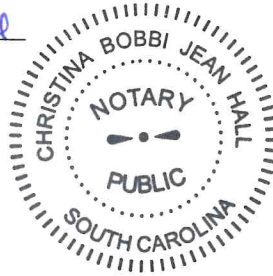
Signed, sealed and delivered  
in the presence of:

Margaret Santos  
Unofficial Witness

Christina Bobbi Jean Hall  
Notary Public S.C

My Commission Expires:  
June 28, 2029

[NOTARIAL SEAL]



**PARCEL 2 OWNER:**

**NATIONAL LAND GROUP, LLC,**  
a Delaware limited liability company

By: Dhaval J. Desai  
Dhaval J. Desai, as Manager

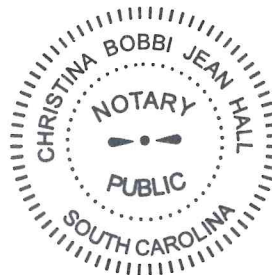
Signed, sealed and delivered  
in the presence of:

Margaret Santos  
Unofficial Witness

Christina Bobbi Jean Hall  
Notary Public SC

My Commission Expires:  
June 28, 2029

[NOTARIAL SEAL]



**PARCEL 3 OWNER:**

**NATIONAL HOTEL INVESTMENT  
GROUP, LLC,**  
a Georgia limited liability company

By: Dhaval J. Desai  
Dhaval J. Desai, as Manager