

STATE OF GEORGIA)
)
COUNTY OF CHATHAM)

EASEMENT

In consideration of One (\$1.00) Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH (GRANTOR), as the owner of the real property described in Exhibit “A” attached hereto and made a part hereof (“Grantor’s Property”) hereby grants unto HIGHLANDS PARK COMMERCIAL, LLC, a Georgia limited liability company (GRANTEE), as the owner of the real property described in Exhibit “B” attached hereto and made a part hereof (“Grantee’s Property”), its successors and assigns, a perpetual and non-exclusive drainage easement across, over, under, and through the hereinafter described portion of Grantor’s Property as situated in the City of Savannah, Chatham County, Georgia, described as:

That certain portion of the Grantor’s Property (2,233 sf or 0.051 acre) being a rectangular shaped tract measuring 28.06' on north property line by 80.67' on the east side by 28.0' on south side by 78.83' on west side as more particularly shown on Exhibit “C”, attached hereto and made a part hereof (the “Easement Area”).

The easement granted herein is for the purposes of (i) installing, using and maintaining an underground pipe and related facilities to connect a proposed stormwater facility to be located on Grantee's Property to existing public stormwater drainage facilities located on the Grantor's Property for the express purpose of directing stormwater drainage from the Grantee's Property over, across and through the stormwater drainage facilities on the Grantor's Property, and (ii) vehicular and pedestrian access over and across the Easement Area solely to the extent reasonably necessary for the installation, construction, use, operation, maintenance, repair, and replacement of the pipe and related facilities described in subsection (i) above; Grantee shall have no other rights in or to Grantor's Property beyond the Easement Area, except that any additional access to Grantor's Property outside the Easement Area that may be reasonably necessary for the construction, operation, maintenance, repair, upgrade, or other modification of the drainage facilities contemplated hereunder shall require the advance written approval of Grantor, in Grantor's sole discretion, in each instance.

The GRANTOR reserves the right to use the Easement Area for any purpose that does not unreasonably interfere with GRANTEE'S permitted use of the Easement Area. Said easement shall run with the land in perpetuity and be binding upon and shall benefit, as applicable, the respective parties heirs, successors and assigns.

Grantee, at its sole cost and expense, shall be responsible for the installation, maintenance, repair, and replacement of the pipe and related facilities located within the Easement Area, and shall promptly restore the surface of the Easement Area and any other portion of Grantor's Property disturbed by such installation, maintenance, repair, or replacement to substantially the same condition existing immediately prior to such work.

Grantee shall indemnify, defend, and hold harmless Grantor, and its elected and appointed officials, officers, employees, and agents, from and against any and all claims, demands, losses, damages, liabilities, and expenses, including reasonable attorneys' fees, arising out of or resulting from Grantee's exercise of the easement rights granted herein, except to the extent arising from the negligence or willful misconduct of Grantor, its officials, officers, employees, or agents.

[Signatures on the following page.]

IN WITNESS WHEREOF, _____ caused these presents
to be executed by its duly authorized Official/Manager and it's seal affixed this _____ day of
_____, 20____.

GRANTOR:

By: _____

Its: _____

Signed, sealed and delivered
In the presence of

Witness

Notary Public

(Seal)

[Signatures continue on the following page.]

**CONSENTED AND AGREED TO:
GRANTEE:**

HIGHLANDS PARK COMMERCIAL, LLC,
a Georgia limited liability company

By: _____

Print Name: _____

Its: _____

Signed, sealed and delivered
In the presence of

Witness

Notary Public

(Seal)

Exhibit "A"

Grantor's Property

All that certain lot, tract, or parcel of land situate, lying and being known as LOT 35, HIGHLANDS BUSINESS PARK, PHASE 2, as more particularly described on that certain subdivision map and/or plat entitled, "HIGHLANDS BUSINESS PARK, PHASE 2, 8TH G.M.D., CITY OF SAVANNAH, CHATHAM COUNTY, GEORGIA" prepared for North Godley Highland's LLC by Thomas & Hutton Engineering Co., recorded in Book 39-S, Pages A, B and C recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia. Reference is hereby made to said plat for a more complete description thereof.

Exhibit "B"

Grantee's Property

The Land referred to herein is situated in the County of Chatham, State of Georgia, and is described as follows:
All those certain lots, tracts or parcels of land situate, lying and being in the 8th G.M. District in the City of Savannah, County of Chatham, State of Georgia, being shown as Lot 14, Lot 15, Lot 16, Lot 17, Lot 18, and Lot 19, Highlands Park (f/k/a Highlands Business Park), Phase 1, on that certain Major Subdivision Plat prepared by Thomas & Hutton Engineering Co., bearing the seal and certification of James Craig Brewer, Georgia Registered Land Surveyor No. 3022, dated April 10, 2006, filed for record November 29, 2007 at 1:57 p.m., and recorded in Plat Book 39-S, Page 56-B (being a part of Pages 56-A through 56-C), in the Office of the Clerk of Superior Court, Chatham County, Georgia.

TOGETHER WITH:

All those certain lots, tracts or parcels of land situate, lying and being in the 8th G.M. District in the City of Savannah, County of Chatham, State of Georgia, being shown as Lot 20, Lot 21, Lot 32, Lot 33, and Lot 34, Highlands Park (f/k/a Highlands Business Park), Phase 2, on that certain Major Subdivision Plat prepared by Thomas & Hutton Engineering Co., bearing the seal and certification of Gregory J. Harris, Georgia Registered Land Surveyor No. 3080, dated November 26, 2007, filed for record January 10, 2008 at 12:06 p.m., and recorded in Plat Book 39-S, Page 73-C (being a part of Pages 73-A through 73-C), in the Office of the Clerk of Superior Court, Chatham County, Georgia.

LESS AND EXCEPT FROM THE TOTAL PROPERTY DESCRIBED ABOVE:

All that certain land conveyed to Chatham County by Right of Way Deed from ROW Pine Development, LLC, dated November 13, 2018, filed for record December 7, 2018 at 2:09 p.m., and recorded in Deed Book 1508, Page 188, in the Office of the Clerk of Superior Court, Chatham County, Georgia.

Exhibit "C"

Legal Description of Easement Area

That certain portion of the Grantor's Property (2,233 sf or 0.051 acre) being a rectangular shaped tract measuring 28.06' on north property line by 80.67' on the east side by 28.0' on south side by 78.83' on west side as more particularly shown on Exhibit "C", attached hereto and made a part hereof (the "Easement Area").

