

TITLE TO REAL ESTATE

STATE OF SOUTH CAROLINA.

COUNTY OF GREENVILLE.

THIS AGREEMENT, made and entered into on the 18th day of October, Anno Domini, Nineteen Hundred and Forty-One, by and between the CHARLESTON & WESTERN CAROLINA RAILWAY COMPANY, a corporation organized, and existing under and by virtue of the laws of the State of South Carolina, the first party, and the TOWN OF FOUNTAIN INN, a municipal corporation under the laws of the State of South Carolina, the second party:

WITNESSETH: THAT WHEREAS, the first party owns and operates a railroad through said Town of Fountain Inn, Greenville County, South Carolina, and owns a right of way for said railroad fifty (50) feet from center line of main tract on the southern side of said main tract and of variable width on the northern side of said main track, at the location hereinafter described; and

WHEREAS, the second party desires to locate, grade and construct and maintain for public use an improved highway or street on said right of way subject to the conditions, terms and limitations hereinafter set out; and in lieu of legal proceedings by which the second party might undertake to acquire by condemnation an easement for a public highway or street on said right of way, and of the doubt that exists as to such right of condemnation (such right being denied by the first party), it has been agreed by the second party that it would be for the best interests of the second party and the public to accept from the first party a lease or grant of an easement and right of user over and on said right of way subject to termination as hereinafter set out rather than to litigate the issues involved and to pay the value and damages awarded even if such proceedings should be successful.

NOW, THEREFORE, in consideration of the premises and of the sum of Five Dollars by each party to the other paid, the receipt of which sum is hereby acknowledged, it is agreed and covenanted as follows:

THE FIRST PARTY hereby leases and grants to the second party for highway or street purposes, subject to the conditions, terms, reservations and limitations hereinafter set out, an easement and right of user in and to a certain strip or parcel of land, property of the Railway Company, lying and being in said Town of Fountain Inn, Greenville County, South Carolina, more particularly described as follows, to-wit:

Beginning at a point where the easterly line of Fairview Avenue intersects the southerly boundary line of the Charleston & Western Carolina Railway Company's right of way, said point being 1471 feet southeastwardly, measured along the center line of the main tract of said Railway Company, from mile post 113 (as numbered from Augusta, Georgia), and 50 feet southwestwardly, measured radially, from said center line; running thence southeastwardly, along said right of way boundary line, that is, parallel with and fifty feet from said center line, 800 feet, more or less, to the westerly line of Jones Street; thence northeastwardly, along said Jones Street line, 30.8 feet to a point 20 feet southwestwardly, measured radially, from said center line; thence northwestwardly, parallel with said center line, 797 feet, more or less, to said Fairview Avenue line; thence southwestwardly, along said Avenue line, 32.5 feet to the point of beginning; as more fully shown in red on the blueprint attached hereto and made a part hereof.

This being a 30-foot strip of a 50-foot right of way or easement granted by James A. Cannon and James I. West to the Greenville and Laurens Railway Company (to which the Charleston & Western Carolina Railway Company is successor in title and right) by deed bearing date the 16th day of March, 1886, and recorded May 7, 1886, in the office of the Register of Mesne Conveyance for Greenville County in Deed Book RR, page 840.

And The Second Party covenants and agrees as follows, to-wit:

(a) That the second party shall pay all costs and expenses of every kind and character