

Grant Of Land Easement By Landowner
For Use Of Alabama Power Company
In Providing Electric Service To Landowner's Premises,
And Adjacent Property Of Others
To Which Service Is Being Simultaneously Extended

W.E.# 61700-06-0007-3-00

Parcel # _____

STA 1+00 TO STA 2+00

STATE OF ALABAMA

COUNTY OF SHELBY }

1. KNOW ALL MEN BY THESE PRESENTS, That Landowner(s) BMW, Inc.

(the "Grantor", whether one or more) hereby applies to Alabama Power Company, a corporation (the "Company") for electrical service at CANABA VALLEY PARKWAY, PELHAM, AL. 35124

Grantor is the owner of the land and premises located at the above address, which by the parties are deemed to be legally described herein precisely as described and mapped in Grantor's ad valorem tax assessment for such land and premises in the office of the Tax Assessor of SHELBY County, Alabama, as if herein set out in full detail (the "Property"), and generally described as located in the following described parcel:

NW 1/4 - NE 1/4 SEC. 31
T. 19S
R. 2W

2. To provide the requested electric service to Grantor (and adjacent premises of others to which service is being simultaneously extended), Company must, and may, install on the Property from time to time, some or all of the following: electric poles, electric distribution lines, service laterals, metering equipment, transformers, guys, anchors, and equipment related thereto, both above and below ground, and must, and may, accomplish the cutting and trimming of trees both now and in the future to accommodate such facilities.

3. Grantor, in consideration of (a) the construction of the necessary service facilities, (b) the furnishing of electric service at Company's published rates, and, (c) the payment of one dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, (for himself, his heirs, successors and assigns) to Company the right to install, improve, remove, maintain, and replace, upon, over, and under the Property such of the above electric facilities as are appropriate in the opinion of Company, to provide such requested service or services, at locations on Grantor's land (and adjacent premises of others to which service is simultaneously being extended), deemed appropriate for such service or services by Company, and agreed to by Grantor at time of original extension of service or services (together with necessary and reasonable changes therein and extensions thereto to serve the property and premises of Grantor and adjacent premises described above, if any) together with all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right to clear and keep cleared all trees, undergrowth, growth on, and other obstructions, within a strip of land extending fifteen feet (15') on either side of the center line of the facilities as constructed, that would in the opinion of Company interfere with such facilities, and the right to cut all dead, weak, leaning or dangerous trees or limbs outside the said thirty foot (30') strip which, in the sole opinion of the Company, might endanger, interfere with or fall upon the poles, lines or other appliances of said Company.

Facilities to be installed under this agreement may be utilized in providing electric service to the Grantor and other Company customers located on property adjacent to the Property and with such service to adjacent property being extended and constructed simultaneously with the building of service facilities to Grantor.

The precise location on the property where the facilities are installed shall be conclusively deemed to be the location described in this grant for the placement of all such facilities. It is the intention of the parties that this grant shall be an easement on, under and over Grantor's land and shall be binding in the future on Grantor's successors, heirs and assigns.

4. Company shall have the rights of ingress and egress to and from the easement and the Property of Grantor for the purpose of installing, constructing, operating and maintaining its facilities in accordance with accepted industry standards.

In the event it becomes necessary or desirable for Company to move its lines of poles and appliances in connection with the construction or improvement of any public road or highway in proximity to its said power lines, Company is hereby granted the right to relocate its said lines of poles and appliances on lands of Grantor hereinabove described, provided, however, the said Company shall relocate its said lines of poles at a distance not greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time.

TO HAVE AND TO HOLD such easement to Company, its successors and assigns, forever.

IN WITNESS WHEREOF, _____ have set _____ hand(s) and seal(s) this the _____ day of _____, 19 _____.

WITNESS:

GRANTOR(S)

GRANTEE'S ADDRESS
ALABAMA POWER CO.
P.O. BOX 2641
BIRMINGHAM, AL 35291-1980

This instrument prepared in
Birmingham Div. Real Estate
Dept. of Alabama Power Co. (SEAL)
Birmingham, AL

01/06/1994-00485
02:32 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE (SEAL)
003 MCD 14.00

Inst # 1994-00485

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by its President, J.P. CORNELIUS, who is authorized to execute this conveyance, has hereto set its signature and seal on this the 14th day of October, 1993.

Attest

By:

Its: Secretary

By:

Its: President

BMW, Inc.

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that J.P. CORNELIUS, whose name as President of BUILDING MATERIALS WHOLESALE, INC., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 14th day of October, 1993.

Notary Public

My commission expires: 3-21-96

[SEAL]

STATE OF ALABAMA

COUNTY OF _____

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name(s) _____ signed to the foregoing instrument and who _____ known to me, acknowledged before me on this day that, being informed of the contents of the instrument, _____ executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, 19 _____.

Notary Public

My commission expires: _____

[SEAL]

STATE OF ALABAMA

COUNTY OF _____

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____ whose name(s) _____ signed to the foregoing instrument and who _____ known to me, acknowledged before me on this day that, being informed of the contents of the instrument, _____ executed the same voluntarily, on the day the same bears date.

Given under my hand and official seal this the _____ day of _____, 19 _____.

Notary Public

My commission expires: _____

[SEAL]

BUILDING MATERIALS WHOLESALE
120/208 VOLTS
47.2 KVA

CUSTOMER
SERVICE

S: 3 #10 AXIAL 35KV
CABLE 20 FT
TWO RUNS

8:3 SPLICES
1:6 SPLICES

S: 150 KVA 34.5KV DE LOOP FEED
120/208 VOLT

PROP. L.D. - 47.2 KVA
S: 3-200/5 AMP C.T. BUSHING MOUNTED
1-13 TERM. PRE WIRED TROUGH
1-METER, 2.5 AMP, 120/208 VOLT 3Ø, 4W, 2 1/2 ELEM.

CANABA VALLEY PARKWAY

PB 1200

PB 1300

3 #10 AXIAL 34.5KV U.G. CABLE

PB 1500

UNDERGROUND
RIGHT OF WAY
WIDTH IS TEN
(10) FEET

NOTES:

SHEET 1 OF 3
SHEET 2 OF 3

SERVICE LOCATION SKETCH
LOCATION + SECTIONALIZ-
ING SKETCH.

Inst # 1994-00485

01/06/1994-00485
02:32 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 MCD 14.00

SEC 31 TPIQS R2W

ALABAMA POWER COMPANY

SUBJECT: SHELBY DISTRICT 34.5KV DISTRIBUTION
DETAIL: PROVIDE 120/208 VOLT 3Ø U.G. SERVICE FOR
47.2 KVA - BLDG MATERIALS WHOLESALE - CANABA VALLEY
SCALE: N.T.S.
SHEET 3 OF 3 SHEETS
SUPERSEDES: NONE

DRAWN: KOVARIK TRACED DATE: 9-23-93

CHECKED: DATE: _____

APPROVED: DATE: _____

B-61700-06-00073

10/4/93