

726
EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

TO BE RECORDED: YES X NO _____

34-510-00-04-0000
This instrument prepared by:

Jeff J. Callicott

STATE OF ALABAMA }
COUNTY OF Shelby }
TAX ID # 13-6-24-3-002-012.008

W.E. No. 61700-00-04094
Parcel No. 70/54917
Transformer No. S-13064

Alabama Power Company
P. O. Box 2641
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That RKM Pelham, LLC Walgreen, Co.

as grantors (s), (the "Grantor", whether one or more) for and in consideration of One and No/100 (\$1.00) and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B below.

B. RIGHTS The easements, rights and privileges granted hereby are as follows:

- 4/2 UNDERGROUND
- ~~Overhead and/or Underground~~ The right from time to time to construct, install, operate and maintain, upon, ~~over~~, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the Company's final location drawing (which shows the general location of underground Facilities, if any, by cross-hatching indicating an area not greater than ten feet (10') in width), ~~all poles, towers, wires, conduits, fiber optics, cables, trans closures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further, the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.~~
 - Line Clearing. The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or ~~distribution lines, poles, towers or other Facilities~~ now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.
 - ~~Guy Wires and Anchors. The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.~~

Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities and Guy Wire Facilities, as applicable.

C. PROPERTY DESCRIPTION The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in Shelby County, Alabama (the "Property"):

For legal description, see Exhibit "A" attached hereto and made a part hereof.


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D. ADDITIONAL PROVISIONS. In the event it becomes necessary or desirable for the Company to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance 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. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

See Exhibit B attached hereto and make a part hereof.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the 11th day of July, 2005.

Witness

(Grantor)

Witness

RKM Pelham, LLC Walgreen, Co.

(Grantor)

Witness

By: [Signature] (SEAL)
As: DIVISIONAL VICE PRESIDENT

Shelby County, AL 08/03/2005
State of Alabama
Deed Tax: \$.50

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by _____, authorized representative, as of the _____ day of _____, 20_____.

ATTEST (if corporation) or WITNESS:

By: _____
Its: _____

(Grantor - Name of Corporation/Partnership/LLC)
By: _____ (SEAL)
Its: _____
[indicate President, General Partner, Member, etc.]

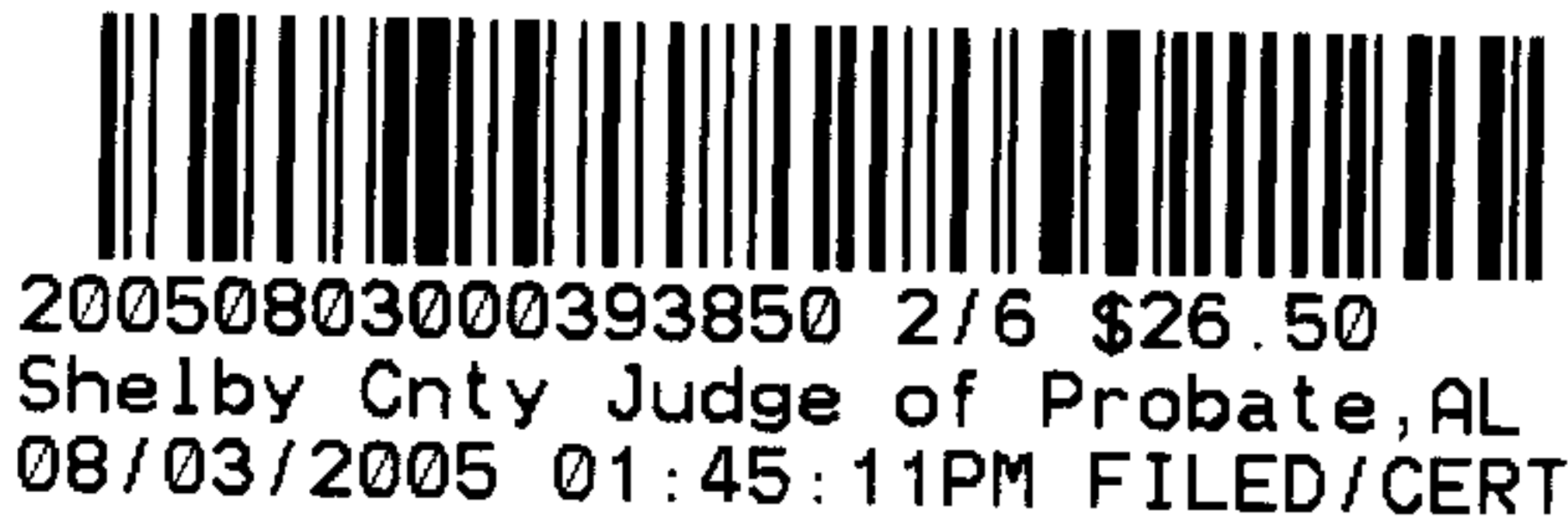
INDIVIDUAL NOTARIES

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) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.
Given under my hand and official seal this the _____ day of _____, _____.

[SEAL]

Notary Public
My commission expires: _____



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) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.
Given under my hand and official seal this the _____ day of _____, _____.

[SEAL]

Notary Public
My commission expires: _____

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ~~ALABAMA~~ ILLINOIS }
COUNTY OF LAKE }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that ROBERT M. SEVERIN whose name as DIVISIONAL VICE PRESIDENT of WALGREEN CO. an ILLINOIS CORPORATION [as DIVISIONAL VICE PRESIDENT], 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/she, as such DIVISIONAL VICE PRESIDENT and with full authority, executed the same voluntarily for and as the act of said CORPORATION [acting in such capacity as aforesaid].

Given under my hand and official seal, this the 11TH day of MAY, 2005.

[SEAL]



Notary Public
My commission expires: MARCH 3, 2007

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: _____ Station to Station: _____

EXHIBIT A

Underground Electrical and Transformer Easement Description

Part of the SW1/4 of the SW1/4 of Section 24, Township 20 South, Range 3 West; Commence at the S.E. corner of lot 4 of Lots 3 & 4, Pelham Parkway Commercial Subdivision as recorded in Map Book 27, Page 86 in the office of the Judge of Probate, Shelby County, Alabama, said point also being on a curve and westerly R.O.W. line of U.S. Highway No. 31, having a radius of 2,372.53 feet; thence in a southeasterly direction along said R.O.W. line a chord bearing and distance of South 6 degrees 50 minutes 26 seconds east 10.54 feet to the point of beginning; thence continue along said curve R.O.W. line an arc distance of 10.03 feet and a chord bearing of south 07 degrees 05 minutes 20 seconds east; thence south 87 degrees 00 minutes 22 seconds west 29.59 feet; thence north 56 degrees 11 minutes 04 seconds 20.19 feet; thence south 78 degrees 48 minutes 08 seconds west 46.70 feet; thence south 07 degrees 35 minutes 13 seconds east 3.05 feet; thence south 82 degrees 24 minutes 47 seconds west 15.00 feet; thence north 07 degrees 35 minutes 13 seconds west 15 feet; thence north 82 degrees 24 minutes 47 seconds east 15.00 feet; thence south 07 degrees 35 minutes 13 seconds east 1.94 feet; thence north 78 degrees 48 minutes 08 seconds east 50.21 feet; thence south 56 degrees 11 minutes 04 seconds east 21.00 feet; thence north 87 degrees 00 minutes 22 seconds east 25.55 feet to the point of beginning and the end of herein described easement.



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Exhibit "B"

Additional Provisions

In addition to those items set forth in Paragraph "D" of this Easement Document, Company hereby agrees to indemnify and hold harmless the Grantor from and against all damages, claims, actions or causes of actions and obligations arising out of negligent acts or omissions of the Company, its agents, contractors and employees. By virtue of the use of the Easement granted hereunder, the Company hereby agrees to restore any affected portions of the property to the existing condition prior to any work performed. The obligations set forth in this Exhibit "B" shall constitute and be included as additional provisions contemplated in Paragraph "D" of this instrument.



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EXHIBIT A

UNDERGROUND ELECTRICAL AND
TRANSFORMER EASEMENT

LOTS 3 & 4 PELHAM PARKWAY
COMMERCIAL SUBDIVISION
MB 27 PG. 86

LOT-4

Scale 1"=20'

U.S. HIGHWAY 101

S.E. CORNER
CH=10.54'
S 08°50'26"E
A=10.03'
RD.W

N 87°10'22"E
25.55'
S 87°10'22"W
29.59'

S 58°11'04"E
21.00'
N 58°11'04"W
20.19'

N 76°48'08"E
50.21'
S 76°48'08"W
46.70'

N 82°24'47"E
15.00'
S 82°24'47"W
15.00'

N 07°35'13"W
15.00'

PROP. STORM & SAN. SEWER ESMT.
PROP. NEW PROP. LINE

ACREAGE

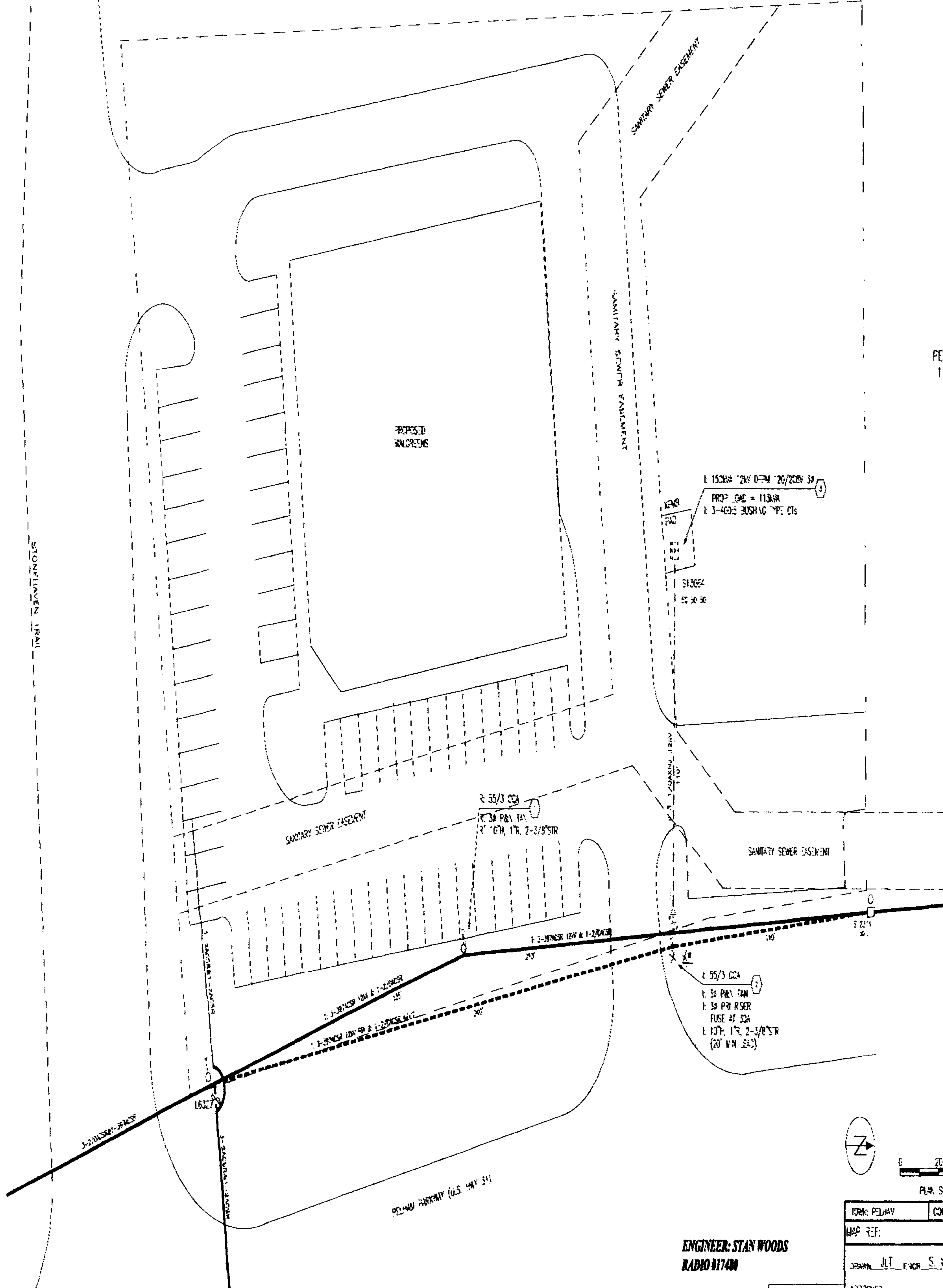
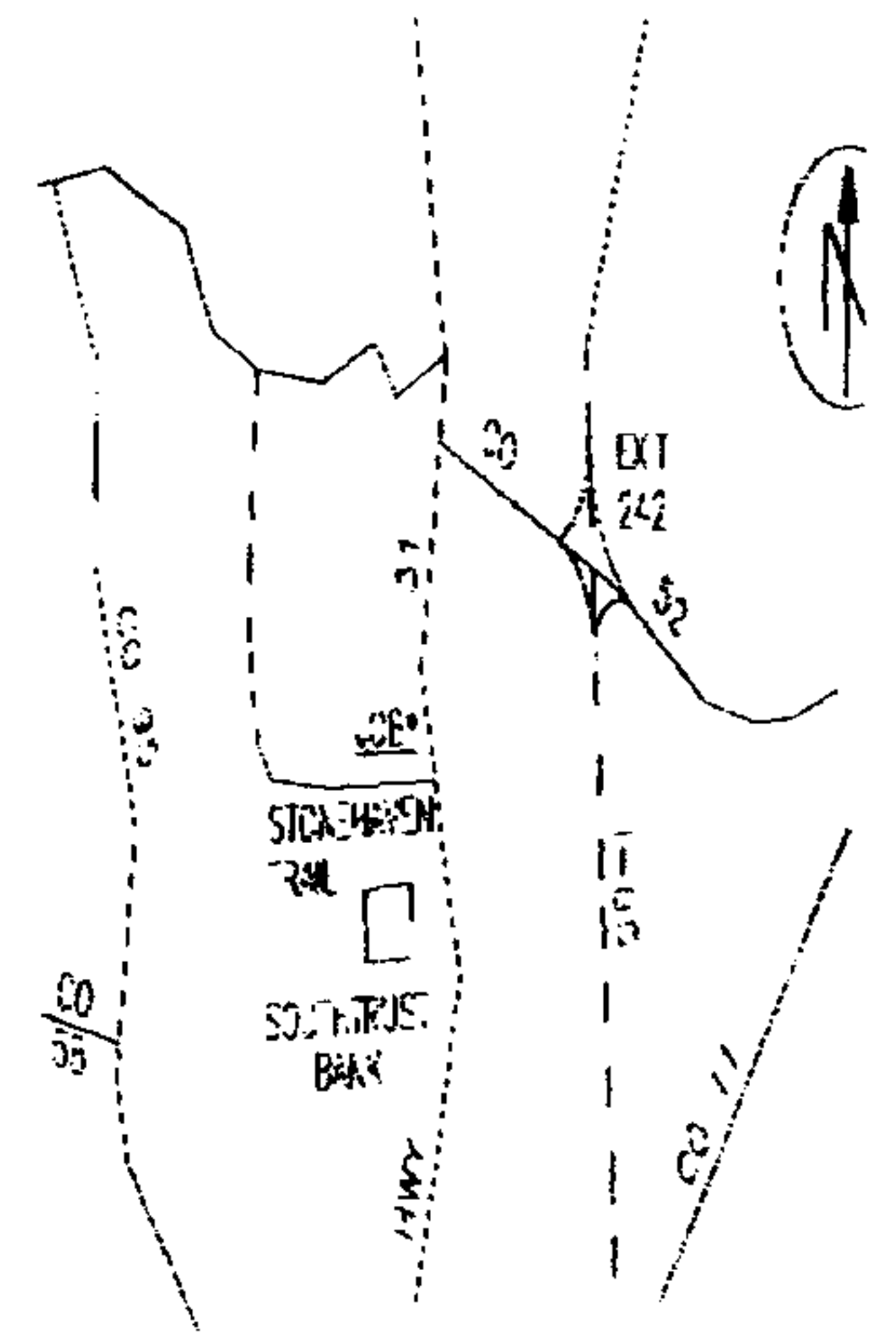
WALGREENS SITE - 2



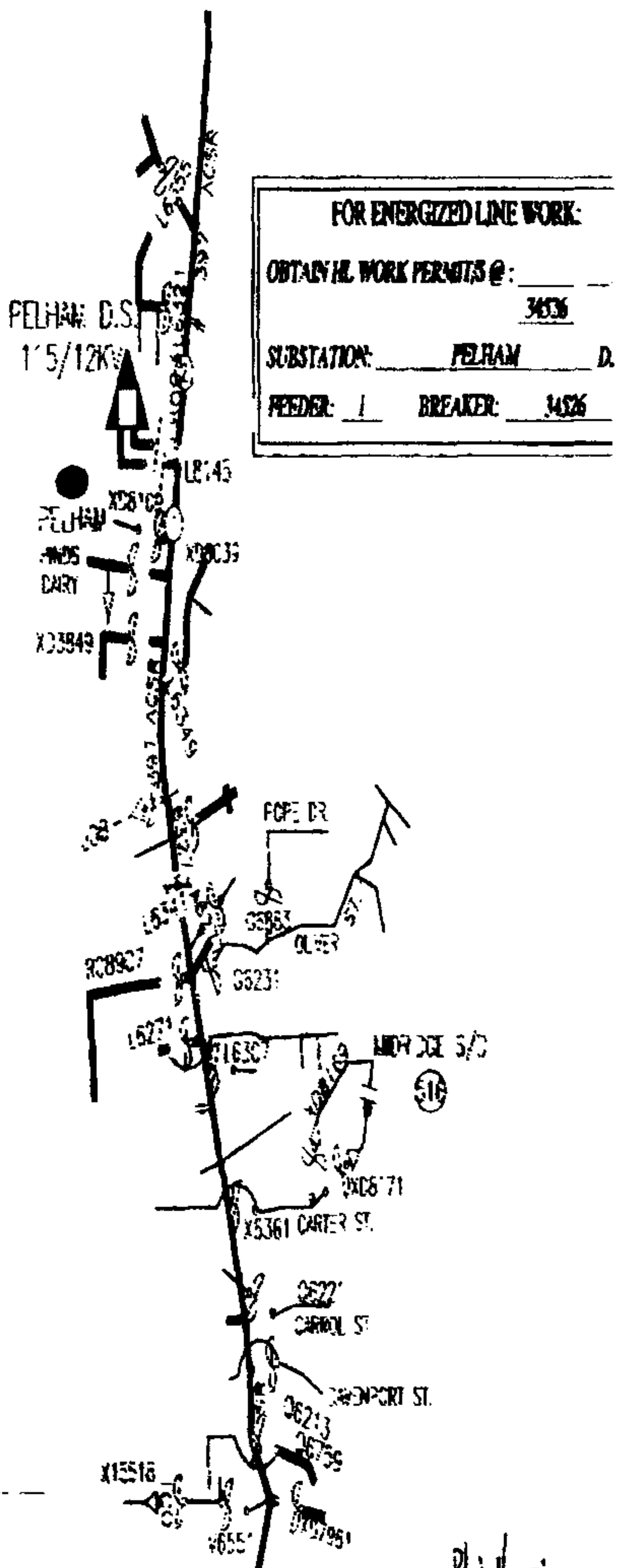
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70154917

LOCATION SKETCH



FOR ENERGIZED LINE WORK:	
OBTAIN ALL WORK PERMITS @:	
SUBSTATION:	PELHAM D.
FEEDER:	1
BREAKER:	4026



Plan Note:
Sta 2400 + Station
Long River Dr. (N)

CONSTRUCTION COMPLETE:

DATE:

ANY CONSTRUCTION FIELD CI
ARE SHOWN IN RED ON THIS P



PLAN SCALE
0 20 40

ENGINEER: STAN WOODS
RADIO 817404

WORK: PELHAM	COUNTY: SHELBY
MAP REF:	SEC-24, P-20S, 7-34
DRAWN: JLT	ENGR: S. WOODS
DATE: 08/23/04	

ALABAMA POWER CO.	
JOB: POWER DELIVERY - BRIMING	
DET: WALGREENS CV PELHAM	
AT STONE-AVEN TRAIL	
SCALE: 1" = 20'	DATED: 08/23/04
SHEET 1 OF 6	SHEETS: 1/6