

6500.00

EASEMENT - DISTRIBUTION FACILITIES

STATE OF ALABAMA }  
COUNTY OF Shelby }  
W.E. No. A6170-05-AI-09  
APCO Parcel No. 70222117  
Transformer No. S-17282

Shelby County, AL 05/04/2009

State of Alabama

Deed Tax : \$.50

This instrument prepared by: Larry D. Gravitt

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



20090504000164310 1/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
05/04/2009 01:51:19 PM FILED/CERT

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Jack's Family Restaurants, Inc. (Lessee)

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:

1. **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 selected by the Company which is generally shown on the Company's drawing, attached hereto and made a part hereof, (which shows the general location of underground Facilities, if any, by 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 each side of the center line of underground Facilities and fifteen feet (15') to each 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.

2. **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 said route as selected by the Company generally shown on said 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.

3. **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 said route selected by the Company generally shown on said 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"):

See EXHIBIT "A" attached hereto and made a part hereof for  
a legal description of the property involved.

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.

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 17<sup>th</sup> day of April, 2009.

Witness

Witness

Witness

(Grantor)

Jack's Family Restaurants, Inc. (SEAL)

(Grantor)

By: Charles Mijerany (SEAL)

As: President

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: \_\_\_\_\_ Station to Station: \_\_\_\_\_



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

ATTEST (if corporation) or WITNESS:

\_\_\_\_\_  
(Grantor - Name of Corporation/Partnership/LLC)

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

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: \_\_\_\_\_

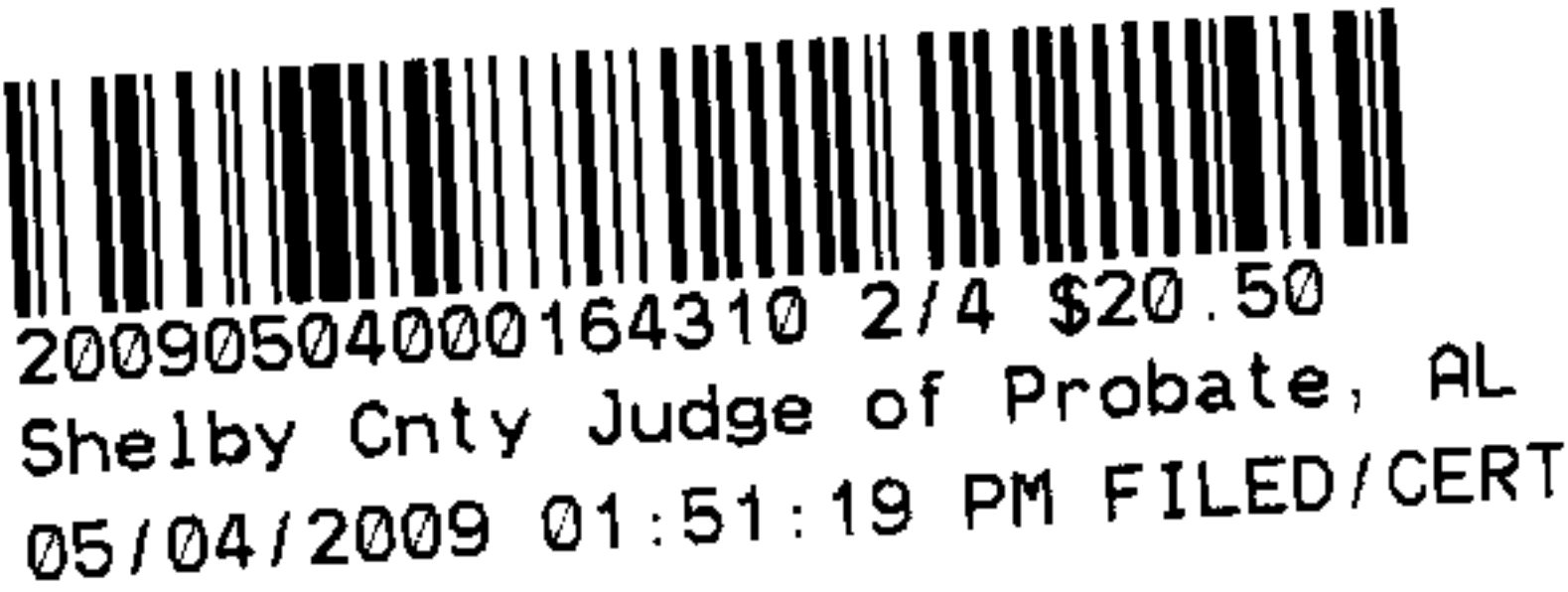
TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }  
COUNTY OF Jefferson }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Charles Mizerany, whose name as President of Jack's Family Restaurants 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/she, as such President and with full authority, executed the same voluntarily for and as the act of said Company [acting in such capacity as aforesaid].  
Given under my hand and official seal, this the 17th day of April, 2009.

[SEAL]

Cheryl Ledbetter  
\_\_\_\_\_  
Notary Public  
My commission expires: MY COMMISSION EXPIRES NOV. 18, 2009





20090504000164310 3/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
05/04/2009 01:51:19 PM FILED/CERT

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**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE DEMISED PREMISES**

A PARCEL OF LAND LOCATED IN THE NE  $\frac{1}{4}$  OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 1 WEST. COMMENCE AT THE SW CORNER OF THE NW  $\frac{1}{4}$  OF THE NE  $\frac{1}{4}$  OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 1 WEST AND RUN N  $0^{\circ}00'00''$ E A DISTANCE OF 215.31 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF ALABAMA HIGHWAY # 70, ALSO KNOWN AS WEST COLLEGE STREET; THENCE N  $89^{\circ}05'53''$ E ALONG SAID RIGHT-OF-WAY 153.90 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $13^{\circ}37'32''$ , A RADIUS OF 1931.32 FEET, A CHORD OF 458.21 FEET ALONG A BEARING OF S  $84^{\circ}05'41''$ E; THENCE RUN ALONG THE ARC OF SAID RIGHT-OF-WAY A DISTANCE OF 459.29 FEET TO THE POINT OF BEGINNING, AND BEING A POINT ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $6^{\circ}42'34''$ , A RADIUS OF 1931.32 FEET, A CHORD OF 226.03 FEET ALONG A BEARING OF S  $73^{\circ}55'38''$ E; THENCE RUN ALONG THE ARC OF SAID RIGHT-OF-WAY A DISTANCE OF 226.16 FEET; THENCE S  $12^{\circ}11'16''$ W LEAVING SAID RIGHT-OF-WAY A DISTANCE OF 187.51 FEET TO THE NORTHERLY EDGE OF A GRAVEL ROAD; THENCE S  $74^{\circ}59'53''$ W ALONG SAID GRAVEL ROAD A DISTANCE OF 254.16 FEET; THENCE N  $12^{\circ}17'20''$ E LEAVING SAID GRAVEL ROAD A DISTANCE OF 318.98 FEET TO THE POINT OF BEGINNING.



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Shelby Cnty Judge of Probate, AL  
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20090504000164310 4/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
05/04/2009 01:51:19 PM FILED/CERT

SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

Map Center UTM:  
1759210 12044677

Map Center Lat/lon:  
-86.611611 33.17924

1 inch equals 67 feet

Customer	JACK'S	Location	907 W COLLEGE ST	Contd. Svc Date	4-30-09	County	Shelby	Section	26	Township	21S	Range	01W	Add'l Info.	Estimate No.
Division	BIRMINGHAM	District	METRO-SOUTH	Town	COLUMBIANA	UserID	wpb111	Created:	4/2/2009	Substation	X-39816	Y-XA116.3	Loc	Transformer Loading	AL17B-USA1D4
															MISSALL#

ENERGIZED LINE WORK  
Sub W. COLUMBIANA  
OCB/OCR 39216  
Switch#  
Fuse Size

LLL-4338  
LG-3447  
LGRES-983



Voltage	Pri	Sec
	12	180
	kV	308
Phone Co.	RT-1	Y
Cable Co.	CHTR	Y
Accessible		Y
Tree Crew		N
Rock Hole		N
Permits		
R/W		N
CITY		N
COUNTY		N
STATE		N
OTHER		

