

EASEMENT - DISTRIBUTION FACILITIES

\$1500.00

STATE OF ALABAMA }

COUNTY OF Shelby }

W.E. No. A6170-05-A6-09

APCO Parcel No. 70226115

Transformer No. S17307 and S17170

This instrument prepared by: Larry D. Gravitt

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

20091026000401840 1/7 \$29.50
Shelby Cnty Judge of Probate, AL
10/26/2009 02:55:25 PM FILED/CERT

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That PUBLIX ALABAMA, LLC
Tenant

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
Site Plan of the proposed project and EXHIBIT "B" 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.

E. **Consent of Fee Simple Owner.** Notwithstanding anything herein to the contrary, the above regards Grantor's leasehold interest only and is ineffective without consent of the fee simple owner upon identical terms (except for this paragraph E).

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

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by Bob Newman its Attorney-in-Fact, as of 07/22/2009.

Haron Palmer
Witness
Paul C
Witness

PUBLIX ALABAMA, LLC (SEAL)
(Grantor)
By: Bob Newman (SEAL)
Bob Newman as its Attorney-in-Fact

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: X Station to Station: _____

Shelby County, AL 10/26/2009

State of Alabama

Deed Tax : \$.50

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

TEST (if corporation) or WITNESS:

(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 _____ 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 _____ 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: _____

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TRUSTEES/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ~~ALABAMA~~ FLORIDA }
COUNTY OF POLK }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that BOB NEWMAN Bob Newman XXXXX whose name as ATTORNEY IN FACT of PUBLIX ALABAMA, LLC XXXXX a limited liability company, 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 attorney in fact and with full authority, executed the same voluntarily for and as the act of said attorney in fact [acting in such capacity as aforesaid].
Given under my hand and official seal, this the 22nd day of July, 2009.

[SEAL] Notary Public
My commission expires: 2-5-11



JODI L. SLOAN
Commission DD 636025
Expires February 5, 2011
Bonded Thru Troy Fein Insurance 800-385-7014



GRAPHIC SCALE
1"=100'

EXHIBIT "A" LEASE SITE PLAN

SOUTH & ASSOCIATES, INC.
ALABAMA PROFESSIONAL SURVEYORS
No. 10000
Commission Expires 12/31/2010

NO.	DATE	BY	REVISIONS
1	03/05/2009	JS	ORIGINAL

EXHIBIT "A" - LEASE SITE PLAN
CALERA CROSSINGS
CALERA, ALABAMA
CITY OF CALERA
SEC 33, TS 21S R2W
SHELBY COUNTY, ALABAMA

7/17/08

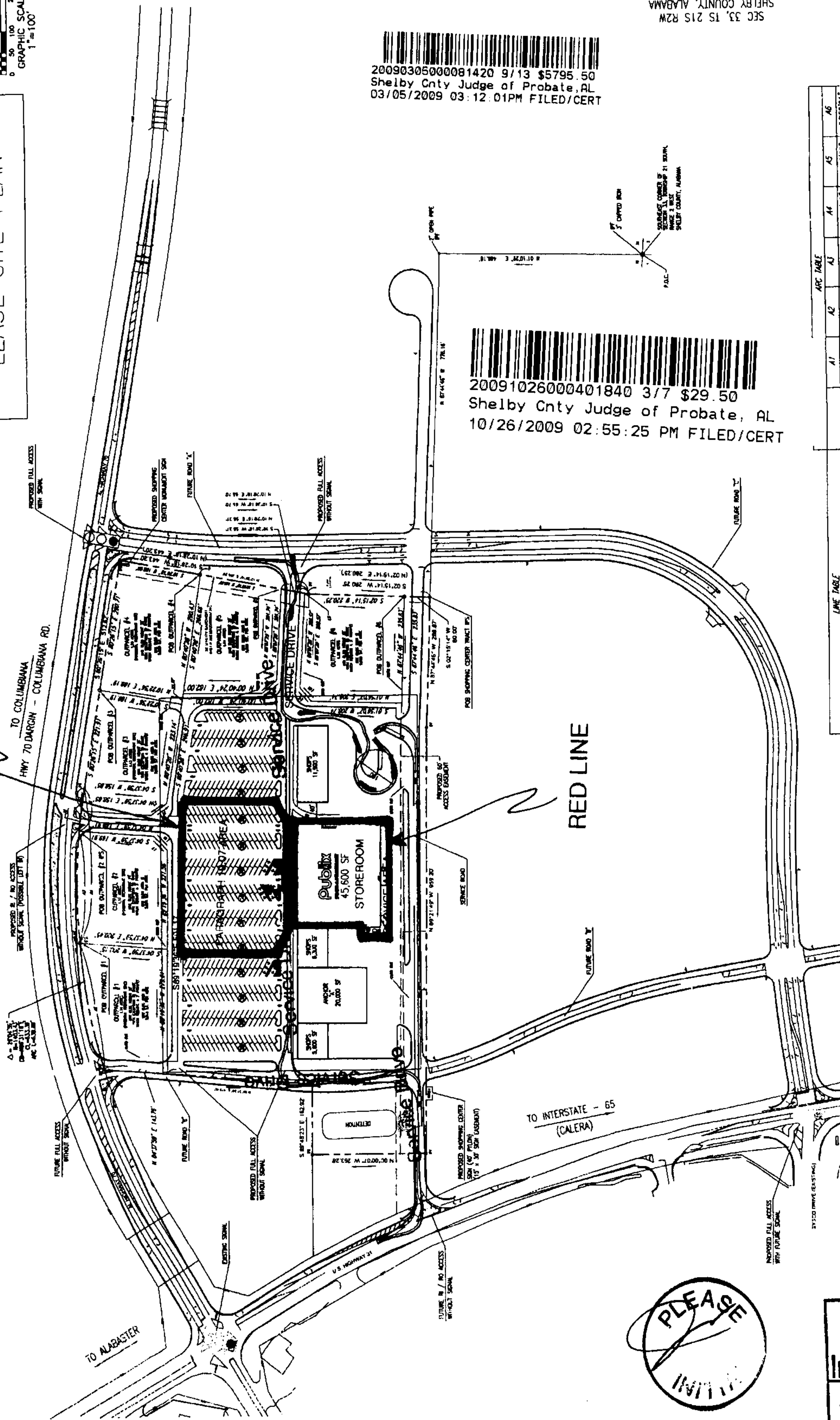
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03/05/2009 03:12:01PM FILED/CERT

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LINE TABLE				ARC TABLE			
LINE	BEARING	LENGTH	CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH	CHORD BEARING
L1	S 46°19'16" W	45.00'	S 46°19'16" E	45.00'	A1	02°02'08"	140°14'3"
L2	N 37°00'21" W	45.00'	N 37°00'21" E	45.00'	A2	01°55'13"	140°14'3"
L3	N 41°03'25" W	45.00'	N 41°03'25" E	45.00'	A3	14°15'33"	140°14'3"
L4	N 50°29'18" W	40.00'	N 50°29'18" E	40.00'	A4	14°15'33"	140°14'3"
L5	S 10°28'18" W	9.33'	S 10°28'18" E	9.33'	A5	17°49'26"	140°14'3"

SURVEY DESCRIPTION LEGEND
NDBS 21°49'W 959.20' SHOPPING CENTER BOUNDARY TEXT
S 46°19'16" W 45.00' OUTPARCEL BOUNDARY TEXT

Initial
ML



70226115

STORE NO.:
SITE: SEC HIGHWAY 31 AND HIGHWAY 70
CALERA, SHELBY COUNTY, ALABAMA
SHOPPING
CENTER: CALERA CROSSINGS
STOREROOM: 45,600 Square Feet




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EXHIBIT "B"


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Shopping Center Tract Legal Description

Commence at a 3 inch capped iron found locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top iron found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set at the point of beginning; thence continue North 87 degrees, 44 minutes, 46 seconds West for a distance of 288.87 feet to a one half inch rebar found; thence run North 89 degrees, 21 minutes, 49 seconds West for a distance of 959.20 feet to a Shiflett Capped Iron found; thence run North 00 degrees, 00 minutes, 07 seconds West for a distance of 263.28 feet to an iron pin set; thence run South 89 degrees, 48 minutes, 23 seconds East for a distance of 162.92 feet to an iron pin set; thence run North 04 degrees, 37 minutes, 59 seconds East for a distance of 335.64 feet to a point; thence run South 89 degrees, 19 minutes, 36 seconds East for a distance of 501.17 feet to a point; thence run North 46 degrees, 19 minutes, 16 seconds East for a distance of 45.00 feet to a point; thence run North 04 degrees, 37 minutes, 59 seconds East for a distance of 169.91 feet to an iron pin set on the South right-of-way of Alabama Highway No. 70 said iron pin set also being on a curve to the right, having a central angle of 01 degrees, 55 minutes, 13 seconds, a radius of 1,403.43 feet, a chord bearing of South 83 degrees, 26 minutes, 57 seconds East and chord of 47.03 feet; thence run in a Southeasterly direction along the arc of said curve and also along said South right-of-way line for a distance of 47.03 feet to a point; thence run South 04 degrees, 37 minutes, 59 seconds West for a distance of 158.85 feet to a point; thence run South 37 degrees, 00 minutes, 21 seconds East for a distance of 45.00 feet to a point; thence run South 80 degrees, 40 minutes, 28 seconds East for a distance of 246.91 feet to a point; thence run South 00 degrees, 40 minutes, 24 seconds West for a distance of 182.00 feet to a point; thence run South 41 degrees, 03 minutes, 25 seconds East for a distance of 45.00 feet to a point; thence run South 86 degrees, 07 minutes, 29 seconds East for a distance of 201.74 feet to a point; thence run South 10 degrees, 28 minutes, 18 seconds West for a distance of 56.37 feet to a point; thence run North 86 degrees, 07 minutes, 29 seconds West for a distance of 208.57 feet to a point; thence run South 50 degrees, 29 minutes, 18 seconds West for a distance of 40.00 feet to a point; thence run South 01 degrees, 56 minutes, 07 seconds West for a distance of 208.74 feet to a point; thence run South 87 degrees, 44 minutes, 46 seconds East for a distance of 235.83 feet to a point; thence run South 02 degrees, 15 minutes, 14 seconds West for a distance of 60.00 feet to the point of beginning; said parcel containing 13.58 acres, more or less.

70226115

STORE NO.:
SITE: SEC HIGHWAY 31 AND HIGHWAY 70,
CALERA, SHELBY COUNTY, ALABAMA
SHOPPING
CENTER: CALERA CROSSINGS
STOREROOM: 45,600 Square Feet

EXHIBIT "B-1"

Outparcel Legal Descriptions

OUT PARCEL NO. 2

Commence at a 3 inch capped iron locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top pipe found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set; thence run North 02 degrees, 15 minutes, 14 seconds East for a distance of 280.25 feet to a half inch rebar found; thence run North 10 degrees, 28 minutes, 18 seconds East for a distance of 443.20 feet to an iron pin set on the South right-of-way line of Alabama Highway No. 70; thence run North 80 degrees, 26 minutes, 15 seconds West along said South right-of-way line for a distance of 512.62 feet to an iron pin set on a curve to the left, having a central angle of 03 degrees, 58 minutes, 21 seconds, a radius of 1,403.43 feet, a chord bearing of North 82 degrees, 25 minutes, 23 seconds West and a chord of 97.28 feet; thence run in a Northwesterly direction along the arc of said curve and also along said South right-of-way line for a distance of 97.30 feet to the point of beginning; thence run South 04 degrees, 37 minutes, 59 seconds West for a distance of 169.91 feet to a point; thence run South 46 degrees, 19 minutes, 16 seconds West for a distance of 45.00 feet to a point; thence run North 89 degrees, 19 minutes, 36 seconds West for a distance of 221.56 feet to a point; thence run North 04 degrees, 37 minutes, 59 seconds East for a distance of 200.45 feet to a point on the South right-of-way line of Alabama Highway No. 70, said point also being on a curve to the right having a central angle of 10 degrees, 17 minutes, 12 seconds a radius of 1,403.43 feet, a chord bearing of South 89 degrees, 33 minutes, 10 seconds East and a chord of 251.63 feet; thence run in a Southeasterly direction along the arc of said curve and also along said South right-of-way line for a distance of 251.97 feet to the point of beginning; said parcel containing 50,905 square feet, more or less.

OUT PARCEL NO. 3

Commence at a 3 inch capped iron locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top pipe found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set; thence run North 02 degrees, 15 minutes, 14 seconds East for a distance of 280.25 feet to a half inch rebar found; thence run North 10 degrees, 28 minutes, 18 seconds East for a distance of 443.20 feet to an iron pin set on the South right-of-way line of Alabama Highway No. 70; thence run North 80 degrees, 26 minutes, 15 seconds West along said South right-of-way line for a distance of 290.71 feet to the point of beginning; thence run South 10 degrees, 22 minutes, 56 seconds West for a distance of 189.19 feet to a point; thence run North 80 degrees, 40 minutes, 28 seconds West for a distance of 223.14 feet to a point; thence run North 37 degrees, 00 minutes, 21 seconds West for a distance of 45.00 feet to a point; thence run North 04 degrees, 37 minutes, 59 seconds East for a distance of 158.85 feet to a point on the South right-of-way line of Alabama Highway No. 70; said point also being on a curve to the right having a central angle of 02 degrees, 03 minutes, 08 seconds, a radius of 1,403.43 feet, a chord bearing of South 81 degrees, 27 minutes, 47 seconds East and a chord of 50.27 feet; thence run in a Southeasterly direction along the arc of said curve and also along said South right-of-way line for a distance of 50.27 feet to an iron pin set; thence run South 80 degrees, 26 minutes, 15 seconds East along said South right-of-way line for a distance of 221.91 feet to the point of beginning; said parcel containing 49,355 square feet, more or less.

OUT PARCEL NO. 4

Commence at a 3 inch capped iron locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top pipe found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set; thence run North 02 degrees, 15 minutes, 14 seconds East for a distance of 280.25 feet to a half inch rebar found; thence run North 10 degrees, 28 minutes, 18 seconds East for a distance of 255.20 feet to the point of beginning; thence run North 80 degrees, 40 minutes, 28 seconds West for a distance of 290.43 feet to a point; thence run North 10 degrees, 22 minutes, 56 seconds East for a distance of 189.19 feet to a point on the South

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EXHIBIT
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right-of-way line of Alabama Highway No. 70; thence run South 80 degrees, 26 minutes, 15 seconds East along said South right-of-way line for a distance of 290.71 feet to an iron pin set; thence run South 10 degrees, 28 minutes, 18 seconds West for a distance of 188.00 feet to the point of beginning; said parcel containing 54,792 square feet, more or less.

OUT PARCEL NO. 5

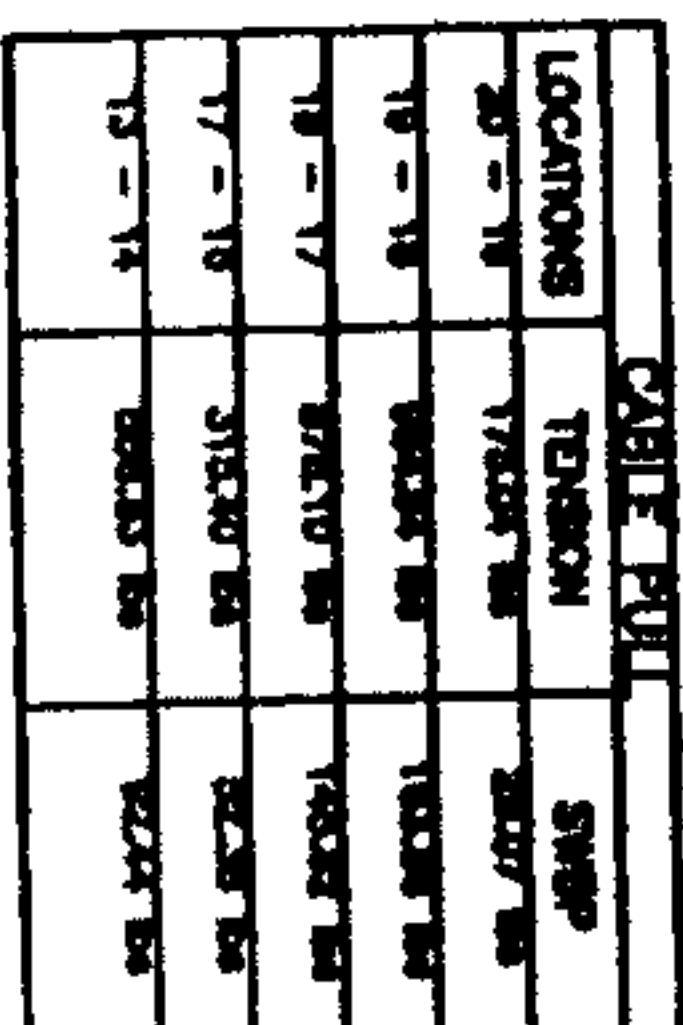
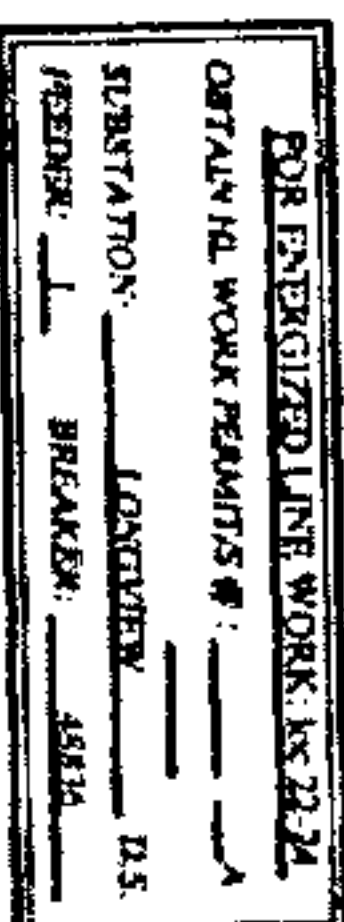
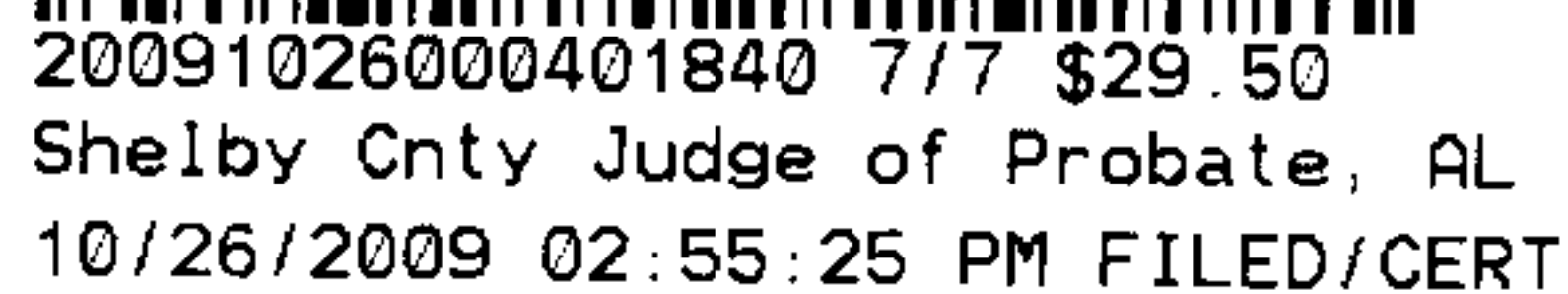
Commence at a 3 inch capped iron locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top pipe found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set; thence run North 02 degrees, 15 minutes, 14 seconds East for a distance of 280.25 feet to a half inch rebar found; thence run North 10 degrees, 28 minutes, 18 seconds East for a distance of 65.70 feet to the point of beginning; thence run North 86 degrees, 07 minutes, 29 seconds West for a distance of 201.74 feet to a point; thence run North 41 degrees, 03 minutes, 25 seconds West for a distance of 45.00 feet to a point; thence run North 00 degrees, 40 minutes, 24 seconds East for a distance of 182.00 feet to a point; thence run South 80 degrees, 40 minutes, 28 seconds East for a distance of 266.66 feet to a point; thence run South 10 degrees, 28 minutes, 18 seconds West for a distance of 189.50 feet to the point of beginning; said parcel containing 49,529 square feet, more or less.

OUT PARCEL NO. 6

Commence at a 3 inch capped iron locally accepted to be the Southeast corner of Section 33, Township 21 South, Range 2 West, Shelby County, Alabama; thence run North 01 degrees, 10 minutes, 29 seconds East along the East line of said Section 33 for a distance of 468.18 feet to a 2 inch open top pipe found; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 778.18 feet to an iron pin set; thence run North 02 degrees, 15 minutes, 14 seconds East for a distance of 60.00 feet to the point of beginning; thence run North 87 degrees, 44 minutes, 46 seconds West for a distance of 235.83 feet to a point; thence run North 01 degrees, 56 minutes, 07 seconds East for a distance of 208.74 feet to a point; thence run North 50 degrees, 29 minutes, 18 seconds East for a distance of 40.00 feet to a point; thence run South 86 degrees, 07 minutes, 29 seconds East for a distance of 208.57 feet to a point; thence run South 10 degrees, 28 minutes, 18 seconds West for a distance of 9.33 feet to a half inch rebar found; thence run South 02 degrees, 15 minutes, 14 seconds West for a distance of 220.25 feet to the point of beginning; said parcel containing 56,664 square feet, more or less.

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DATE: _____

AUTOMATED DRAWING -- HAVE NO MANUAL REVISIONS

ALABAMA POWER COMPANY

METRO SOUTH - VARIOUS

~~CALERA CROSSINGS~~

PUBIX

gross $\frac{1' = 100'}{10-08-08}$ netted

Sheet 1 of 1 Sheets

C-69170-05-6603

10-10-68

702 26 115