

Source of Title:

Instrument #20141017000329890

EASEMENT - DISTRIBUTION FACILITIES

STATE OF ALABAMA

COUNTY OF SHELBY

W.E No A6710-46-A315

APCO Parcel No. 70278906

Transformer No. S18585

This instrument prepared by: Dean Fritz

Alabama Power Company  
2 Industrial Park Drive  
Pelham, AL 35124

500-

20160926000350090  
09/26/2016 08:50:24 AM  
ESMTAROW 1/3

KNOW ALL MEN BY THESE PRESENTS, That The Krystal Company - Lessee

as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantor in hand 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 below.

**Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described below, all poles, towers, wires, conduits, fiber optics, cables, communication lines, translosures, 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 communications, along a route selected by the Company, as generally shown on the Company's drawing attached hereto and made a part hereof, but which is to be determined by the actual location(s) in which the Company's facilities are installed. The width of the Company's easement will depend on whether the Facilities are underground or overhead: for underground, the easement will extend five (5) feet on each side of said Facilities as and where installed; for overhead Facilities, the easement will extend fifteen (15) feet on each side of the centerline of said Facilities as and where installed. The Company is granted the right to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending five (5) feet from each side of said underground Facilities, and to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending fifteen (15) feet from each side of the centerline of said overhead Facilities and the right in the future to install intermediate poles and facilities on said strip. Further, with respect to overhead Facilities, the Company is also granted the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the thirty (30) foot strip that, in the sole opinion of the Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead 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 said 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, as applicable.

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"): a parcel of land located in the NE¼ of the NE¼ of Section 35, Township 20 South, Range 3 West, more particularly described in that certain instrument recorded in Instrument #20141017000329890 in the office of the Judge of Probate of said County.

In the event it becomes necessary or desirable for the Company from time to time 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 said 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 said Grantor, has caused this instrument to be executed by Brian Blosser  
its authorized representative, as of the 5<sup>th</sup> day of NOV, 2015

ATTEST (if required) or WITNESS:

By: [Signature]

Its: [Signature]

The Krystal Company - Lessee  
(Grantor - Name of Corporation/Partnership/LLC)

By: Brian Blosser (SEAL)

Its: VP Development + Construction  
(indicate President, General Partner, Member etc.)

[Handwritten mark]

All facilities on Grantor: \_\_\_\_\_

Station to Station: Loc 1+00 to Loc 131 (SE)

CORPORATION NOTARY

20160926000350090 09/26/2016 08:50:24 AM ESMTAROW 2/3

STATE OF ALABAMA GA

COUNTY OF COBB

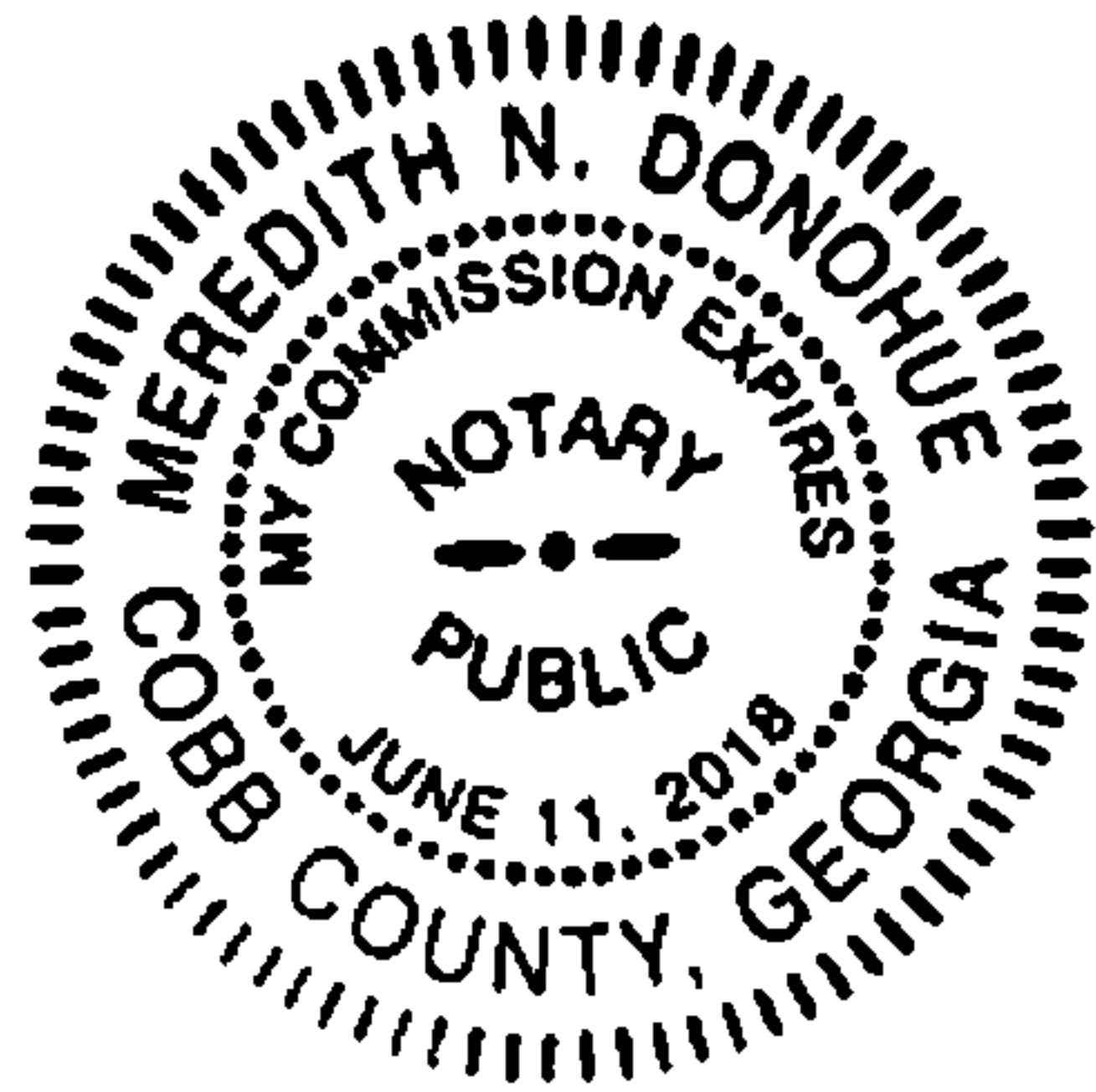
I, Meredith Donohue a Notary Public, in and for said County in said State, hereby certify that Brian Blosser, whose name as VP Development + Construction of The Krystal Company, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she, 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 3<sup>rd</sup> day of November, 2015

[SEAL]

Meredith N Donohue  
Notary Public

My commission expires. 6/11/18

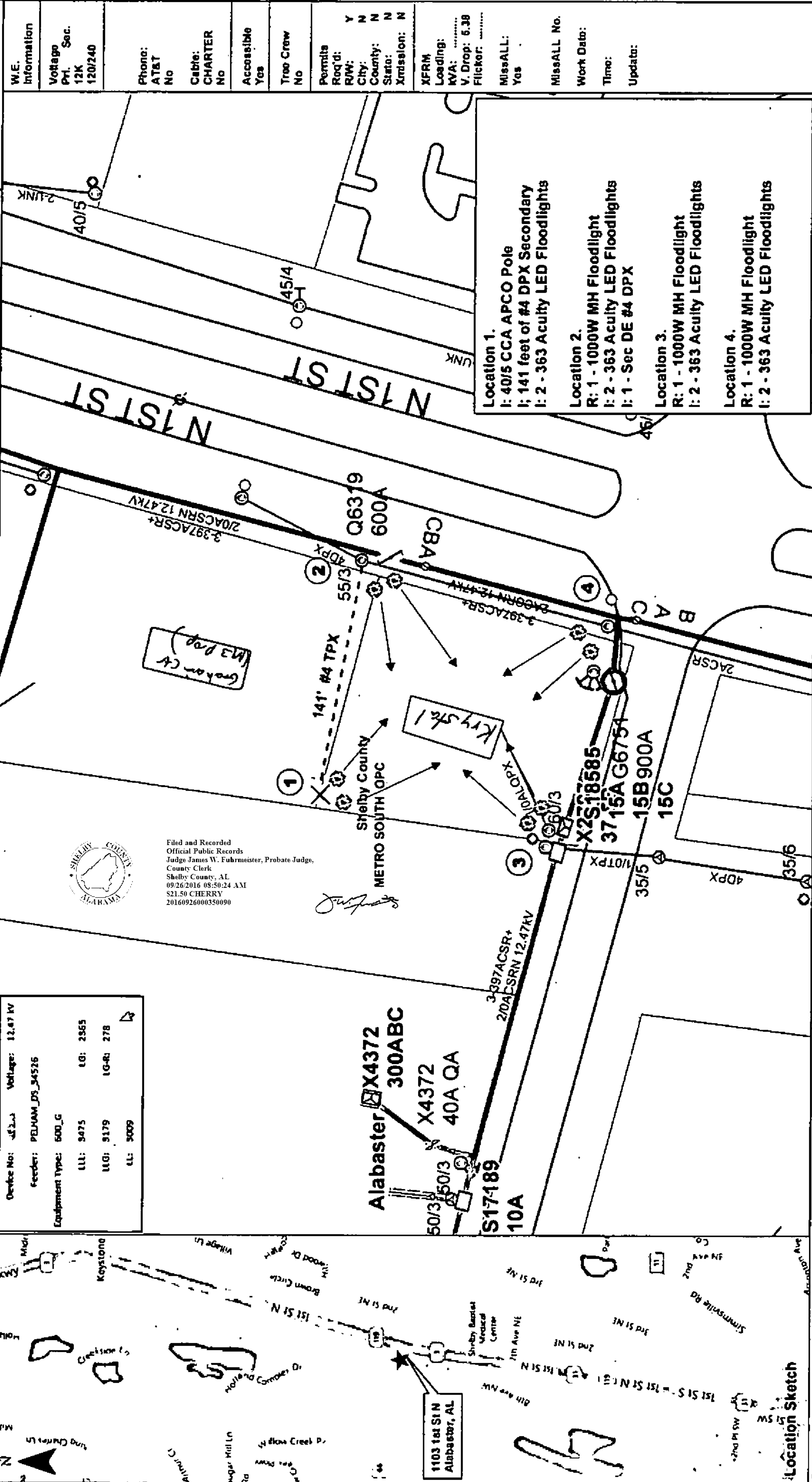


DATE AGENT Dean Fritz  
 Date Assigned 10-29-15  
 Date Cleared 11-12-15  
 Parcel # 70278905 70278907  
70278906

**SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.** Map Center UTM: 1697206 12072524 Map Center LatLon: 33.256267 -86.814168

1 inch = 58 feet

|  |                       |                             |                       |                |                     |        |         |          |            |            |           |              |                      |
|--|-----------------------|-----------------------------|-----------------------|----------------|---------------------|--------|---------|----------|------------|------------|-----------|--------------|----------------------|
| Customer   | Krystal's - Alabaster | Location                    | 1103 1st Street North | Cmtd. Svc Date | 2/25/2015           | County | SHELBY  | Section  | 35         | Township   | 20S       | Range        | 03W                  |
| Division   | Birmingham            | Operation Center - District | Metro South           | Town           | Alabaster, AL 35007 | UserID | krevans | Created: | 10/16/2015 | Substation | Pelham DS | Estimate No. | <u>46710-46-4315</u> |
| Sub: OCBI/OCR: Switch #: Scheme: NO<br>X- 34526 Y- Q6319 |                       |                             |                       |                |                     |        |         |          |            |            |           |              |                      |



|                 |                 |          |          |
|-----------------|-----------------|----------|----------|
| Device No:      | 4523            | Voltage: | 12.47 kV |
| Feeder:         | PELHAM_DS_34526 | LO:      | 2565     |
| Equipment Type: | 500_G           | LG-R:    | 278      |
| LL:             | 9475            | LL:      | 9009     |

Filed and Recorded  
 Official Public Records  
 Judge James W. Fuhrmeister, Probate Judge.  
 County Clerk  
 Shelby County, AL  
 09/26/2016 08:50:24 AM  
 S21.50 CHERRY  
 20160926000350090

ENERGIZED LINE WORK

ENGINEER: KEVANS LINC: 10-6

Foreman: \_\_\_\_\_ Date: \_\_\_\_\_