

STATE OF ALABAMA

JEFFERSON COUNTY

1487

W I T N E S S E T H

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations in hand paid, the receipt whereof is hereby acknowledged, The Water Works Board of the City of Birmingham, a public corporation organized under and by virtue of the laws of the State of Alabama, does hereby grant, bargain, sell, and convey unto the Alabama Power Company, its successors and assigns only to the extent that it may lawfully do so, the right and privilege to construct, maintain, and operate a power line upon, over, under and across The Water Works Board of the City of Birmingham easement with the rights of ingress and egress across the following described strips of land.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The locations of the proposed installations are more particularly shown hatched on Alabama Power Company's Drawing #D-170008000-262-0, sheet 1, attached hereto and made a part hereof, marked Exhibit "B".

TO HAVE AND TO HOLD unto Alabama Power Company, its successors and assigns, subject to termination as hereinafter provided and subject to the following conditions to which the Alabama Power Company assents as is evidenced by its acceptance hereof.

(1) The Water Works Board of the City of Birmingham, Alabama shall have the privilege of using said strips of land in any way whatsoever.

(2) Alabama Power Company agrees that in the event the said power line shall at any time interfere with the use or occupancy (in whole or in part) of the easement over and through which this right of way is granted, Alabama Power Company shall at its sole cost and expense, after sixty (60) days notice in writing given by The Water Works Board of the City of Birmingham, Alabama to Alabama Power Company, relocate said power line on the said easement. In the event Alabama Power Company is required to relocate said power line, The Water Works Board of the City of Birmingham, Alabama shall first convey to Alabama Power Company another easement on or across, as the case may be, The Water Works Board of the City of Birmingham, Alabama's said easement with the same rights as herein granted to permit the relocation of the Alabama Power Company's facilities along such new route on or across, as the case may be, said easement. Alabama Power Company further agrees that if Alabama Power Company shall fail or refuse to relocate the said power line upon written notice, The Water Works Board of the City of Birmingham, Alabama or its duly authorized agent may remove same and the Alabama Power Company shall pay to The Water Works Board of the City of Birmingham, Alabama or to said agent the amount of money expended for such removal.

Larry's

(3) Alabama Power Company covenants and agrees, for and on behalf of itself, its successors and assigns, to forever indemnify The Water Works Board of the City of Birmingham, Alabama from any damage or loss whatsoever that may occur to the property of The Water Works Board of the City of Birmingham, Alabama, as the result of its improper use of said strips of land, and also covenants and agrees to indemnify and hold The Water Works Board of the City of Birmingham, Alabama harmless from any and all liability, claims, demands and causes of action that may arise to or be made by any person as the result of injury to his person or the City of Birmingham, Alabama, provided Alabama Power Company shall not be held liable for damages caused by the negligent acts of The Water Works Board of the City of Birmingham, Alabama, its employees or officials.

(4) Should Alabama Power Company at any time for a period of six (6) months, cease or abandon the use of, or cease to use the said strips of land for the purpose herein named, the right of way and the rights and privileges herein granted shall revert to The Water Works Board of the City of Birmingham, Alabama.

(5) Alabama Power Company shall have the right to cut and keep clear all trees, underbrush, shrubbery, roots and other growth and to keep clear any and all obstructions or obstacles of whatever character on, under, or above said facilities.

IN WITNESS WHEREOF, The Water Works Board of the City of Birmingham, Alabama, has caused this instrument to be executed for and in the name of The Water Works Board of the City of Birmingham, Alabama, by C. D. Colee, General Manager, this 26 day of APRIL, 19 82.

THE WATER WORKS BOARD OF THE CITY OF
BIRMINGHAM

WITNESS:

Leah Hamm

By

C. D. Colee
General Manager

ACCEPTED BY:

ALABAMA POWER COMPANY

By

Alvin E. Hill
Vice President

RECORDED AS
INDEXED
RECEIVED

W. H. Hays
CORPORATE SECRETARY

Exhibit "A"

Part of the Southwest Quarter of the Northwest Quarter of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

From the Northwest corner of said Quarter-Quarter section, run in an easterly direction along the North line of said Quarter-Quarter section for a distance of 698.04 feet; thence turn an angle to the right of 90° and run in a Southerly direction for a distance of 34.00 feet to the point of beginning; thence continue along last mentioned course for a distance of 106.00 feet to the point of ending.

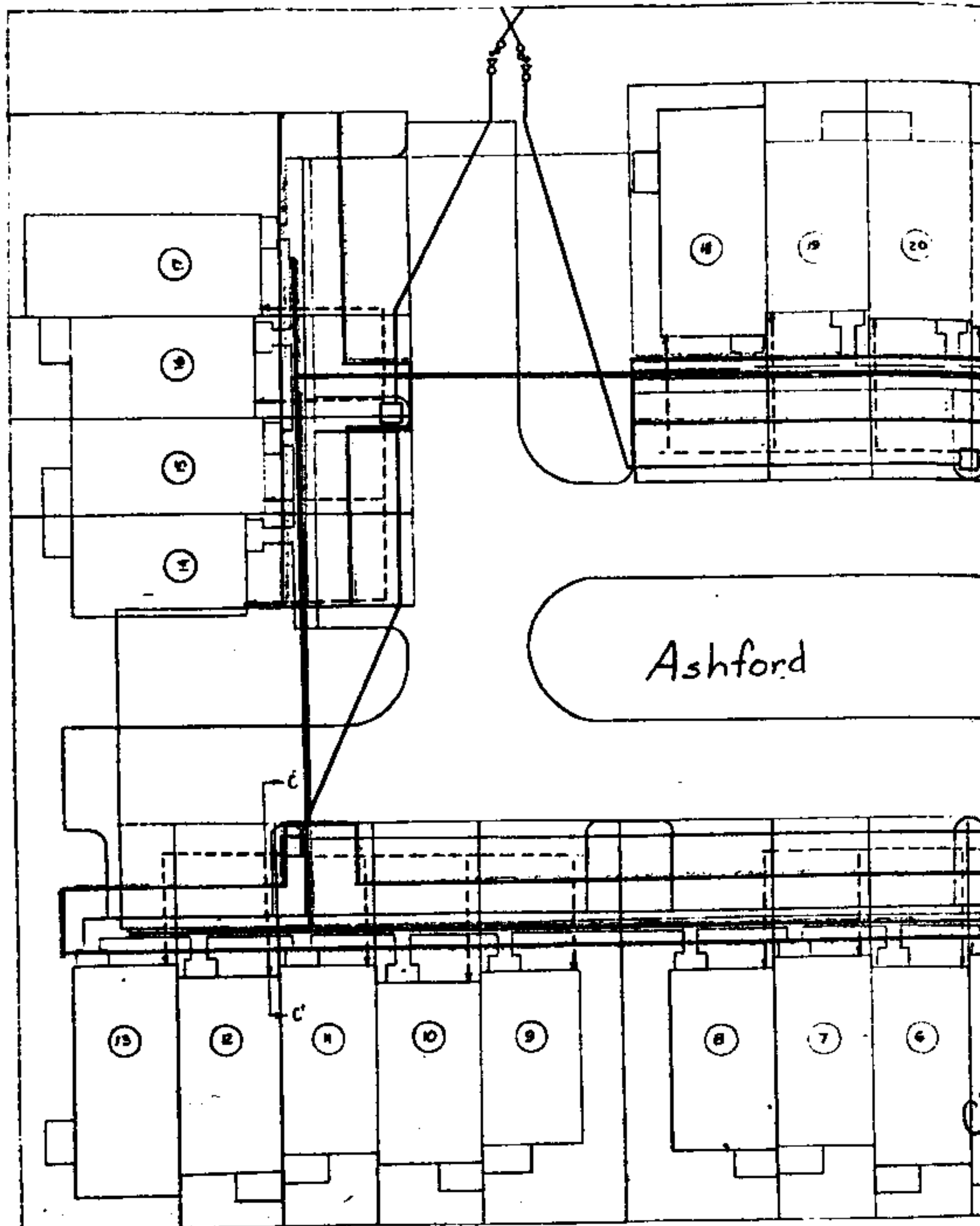
From the Northwest corner of said Quarter-Quarter section, run in an Easterly direction along the North line of said Quarter-Quarter section for a distance of 698.04 feet; thence turn an angle to the right of 90° and run in a Southerly direction for a distance of 88.00 feet to the point of beginning; thence turn an angle to the left 90° and run east 22.00 feet to the point of ending.

From the Northwest corner of said Quarter-Quarter section, run in an Easterly direction along the North line of said Quarter-Quarter section for a distance of 770.04 feet; thence turn an angle to the right of 90° and run in a Southerly direction for a distance of 88.00 feet to the point of beginning; thence turn an angle to the left of 90° and run in an Easterly direction for a distance of 150.31 feet; thence turn an angle to the right of 47° 02' 05" and run in a Southeasterly direction for a distance of 230.79 feet to the point of ending.

From the Northwest corner of said Quarter-Quarter section, run in an Easterly direction along the North line of said Quarter-Quarter section for a distance of 652.04 feet; thence turn an angle to the right of 90° and run in a Southerly direction for a distance of 212.00 feet to the point of beginning; thence turn an angle to the left of 90° and run in an Easterly direction for a distance of 241.69 feet; thence turn an angle to the right of 47° 02' 05" and run in a Southeasterly direction for a distance of 158.85 feet to the point of ending.

From the Northwest corner of said Quarter-Quarter section, run in an Easterly direction along the North line of said Quarter-Quarter section for a distance of 652.04 feet; thence turn an angle to the right of 90° and run in a Southerly direction for a distance of 212.00 feet; thence turn an angle to the left of 90° and run in an Easterly direction for a distance of 46.00 feet to the point of beginning; thence turn an angle to the left 90° and run in a Northerly direction 22.00 feet to the point of ending.

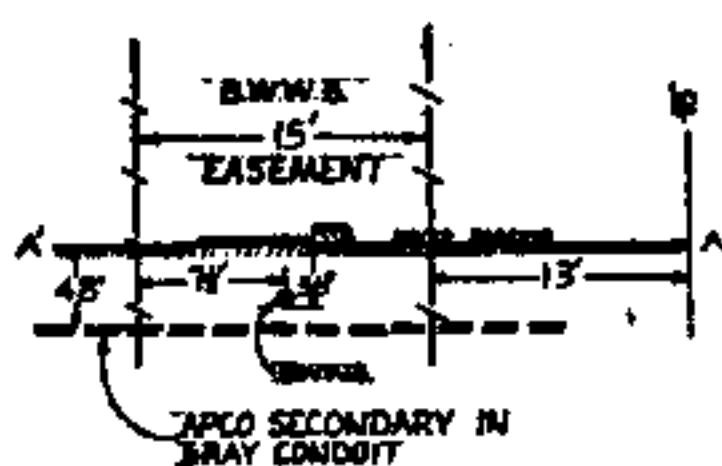
Said right-of-way being seven and one-half feet (7½') either side of the described center lines.



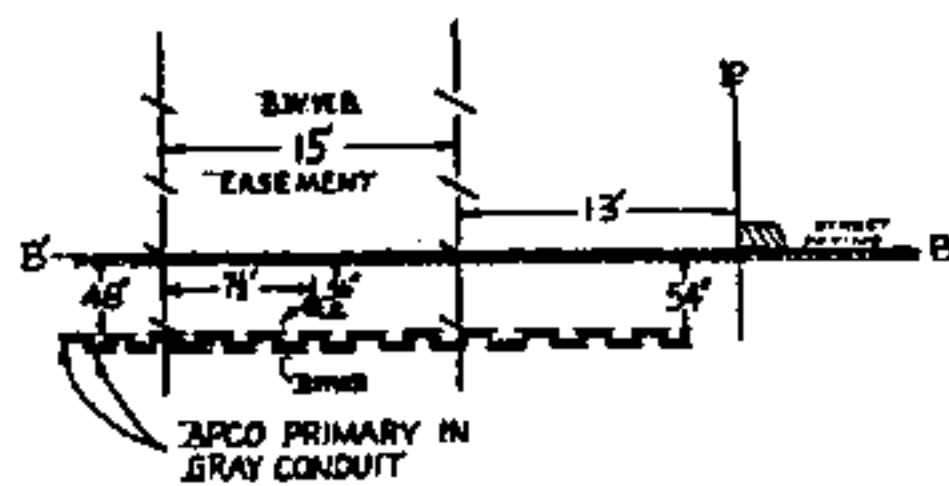
NOTES:

1. ALL PRIMARY AND SECONDARY CONDUCTORS TO BE INSTALLED IN TWO (2) INCH AND THREE (3) INCH GRAY TYPE DB, PVC CONDUIT WHEN SUCH CONDUCTORS ARE LOCATED IN B.W.W.B. EASEMENT.
2. PRIMARY CONDUCTOR WILL BE: ONE (1) * 1/2 ALUMINUM, CROSSLINK, PVC INSULATION, 35 KV. WITH CONCENTRIC COPPER NEUTRAL SHIELDING. SECONDARY CONDUCTOR WILL BE ONE (1) * 1/2 ALUMINUM NEUTRAL AND TWO (2) * 1/2 ALUMINUM HOT LEGS WITH 600 VOLT INSULATION OF CROSSLINK PVC MATERIAL.
3. ALL PRIMARY AND SECONDARY CONDUIT WILL BE INSTALLED AT A MINIMUM DEPTH OF FORTY-EIGHT (48) INCHES WHEN LOCATED IN B.W.W.B. EASEMENT AND A TWELVE (12) INCH SEPARATION WILL BE MAINTAINED ON ALL CROSSINGS.

APCO SECONDARY CONDUIT CROSSING SECTION A-A'

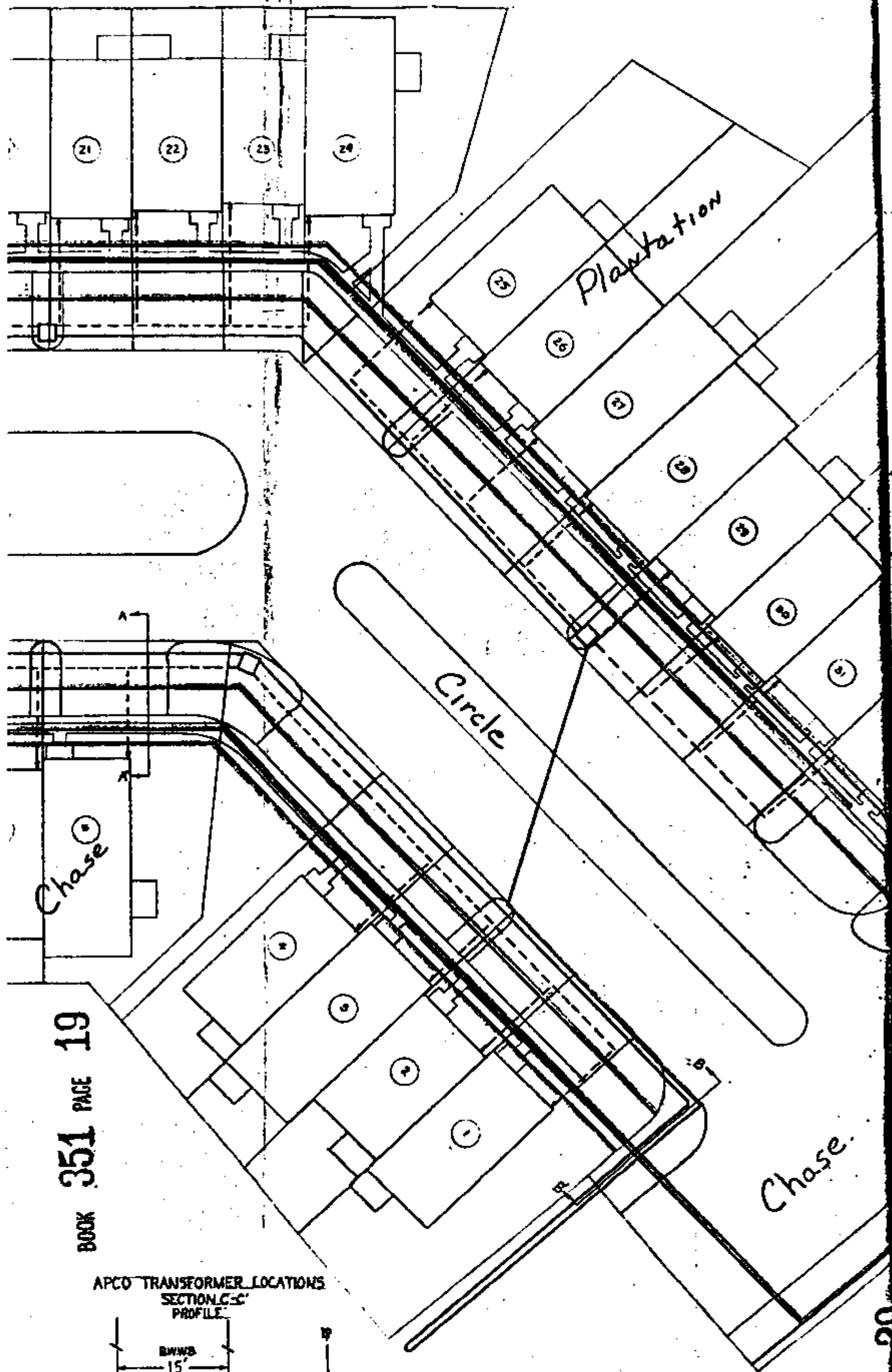


APCO PRIMARY CONDUIT CROSSING SECTION B-B'



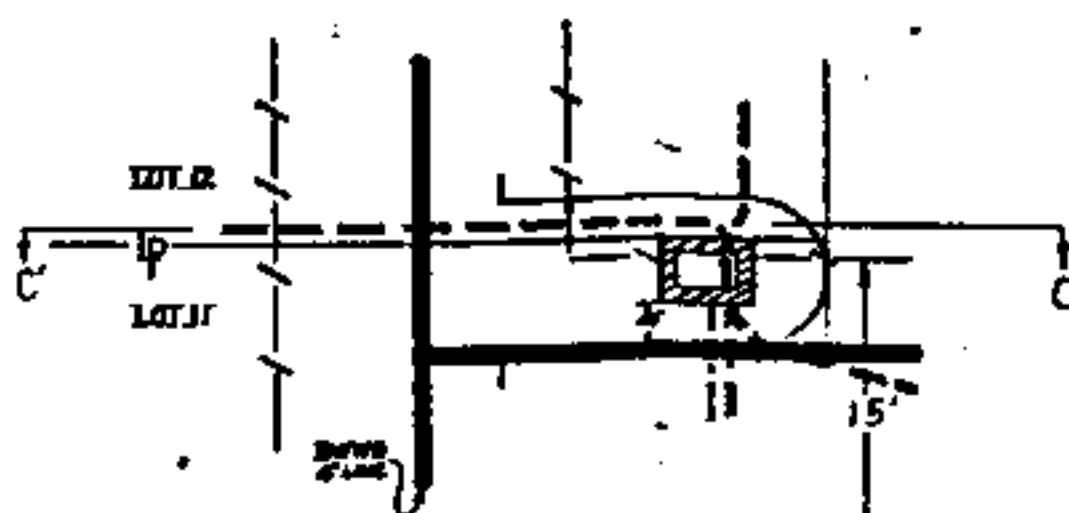
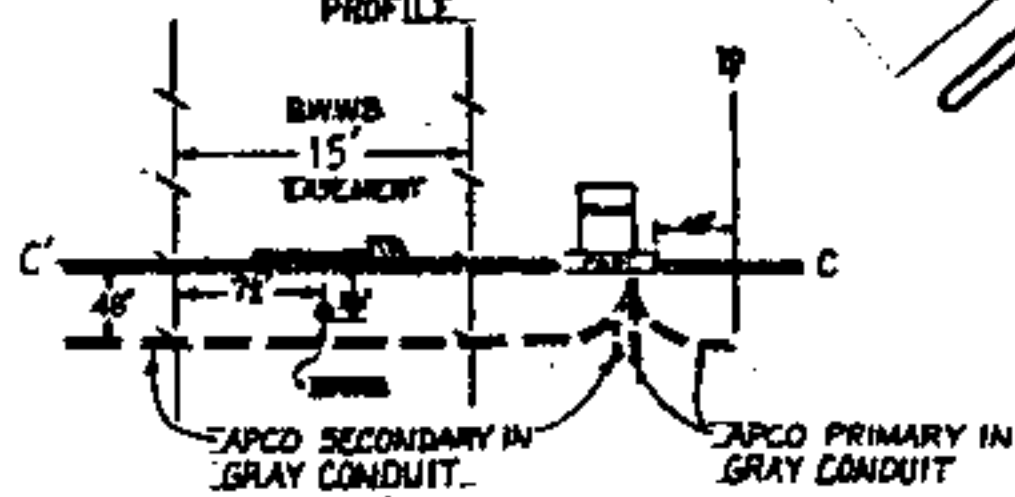
LEGEND

- APCO SECONDARY IN GRAY CONDUIT
- APCO PRIMARY IN GRAY CONDUIT
- B.W.W.B. EASEMENT LIMITS



BOOK 351 PAGE 19

APCO TRANSFORMER LOCATIONS
SECTION C-C'
PROFILE



SECTION C-C'
PLAN VIEW

Old Montgomery Hwy.

Plantation / Pkwy

- LEGEND**
- WATER LINE
 - APCO PRIMARY CONDUCTOR 19.9KV
 - APCO SERVICE CONDUCTOR 120/240V
 - WATER EASEMENT
 - TRANSFORMER

SW 1/4 - NW 1/4 of 25-19-3W

BOOK 351 PAGE 20

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
MORTGAGE WAS FILED
1983 OCT 31 PM 3:38

Deed TAX. 50
Rec 9.00
Jud 1.00
10.50

Thomas G. Shanks
JUDGE OF PROBATE

EXHIBIT "B"

ALABAMA POWER COMPANY	
JOB NUMBER	135-11-000-0000
DETAILS/DESCRIPTION	RECONSTRUCTION OF STATION
IN CASE PLANTATION	PHASE 2
SCALE	1" = 20' 0" M
SHEET 1 OF 2 SHEETS	D-17-0000-0000
SUPERSEDED	

DATE	10/31/83
DRAWN BY	W. J. H. / W. J. H.
CHECKED BY	W. J. H. / W. J. H.
APPROVED	
DATE	
APPROVED	
DATE	