

5

STATE OF ALABAMA )  
SHELBY COUNTY )

482

This instrument prepared in  
the Corporate Real Estate  
Dept. of Alabama Power Co.  
Birmingham, Ala.  
By: *George Johnson*

SUBORDINATION OF MINERAL RIGHTS TO SURFACE RIGHTS

WHEREAS, Eldred M. Ray, Sr., and wife, Thelma N. Ray,  
(hereinafter sometimes referred to as Grantors) are the present owners of  
an undivided interest in mineral rights in and to the hereinafter described  
parcel of land and

58  
PAGE  
278  
BOOK

WHEREAS, Southern Electric Generating Company, a corporation, is  
desirous of constructing and operating a railroad line upon the surface of  
the hereinafter described land, Grantors hereby agrees with Southern  
Electric Generating Company, its successors and assigns, that in the  
extraction and utilization of the minerals owned by Grantors that they will  
not use the surface of such lands hereinafter described for the construc-  
tion, operations and maintenance of any facilities for the purposes of  
extracting and utilization of such minerals, or interfere in any way with  
the use of the surface of such lands by the Southern Electric Generating  
Company for the construction, operations and maintenance of its railroad  
line and that it will not use the surface for any purposes or in any  
manner; and Grantors hereby expressly reserves the full right to mine,  
explore, operate for and produce minerals from and under said lands by  
means of directional drilling from locations on other tracts, or otherwise  
by the use of wells, machinery, equipment and operations not located or  
conducted upon the surface of said land.

WHEREAS, the Grantors and Southern Electric Generating Company  
have agreed that this conveyance shall have no effect as to all other  
mineral rights and interests in, to and under said lands and such interests  
are hereby expressly reserved in Grantors.

NOW THEREFORE, for and in consideration of the sum of One and  
No/100 Dollar (\$1.00) in hand paid by Southern Electric Generating Company,  
and other good and valuable consideration, the receipt of which is hereby  
acknowledged, do hereby agree that said mineral rights shall be and the  
same are hereby subordinated to the surface rights in and to the hereafter  
described parcel of land acquired by Southern Electric Generating Company  
from Eldred M. Ray, Sr., and wife, Thelma N. Ray,  
in and to the surface of said Subordinated Tract, to the extent as  
described in the recitals hereof:

PARCEL 50

That part of a strip of land 375 feet wide that is located in the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 25, and the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 25, Township 20 South, Range 1 East, of the Huntsville Meridian, Shelby County, Alabama. Said strip of land being 175 feet to the right and 200 feet to the left of a center line described as follows:

Commence at the southeast corner of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of said Section 25, as marked by an iron axle having coordinates in the East Zone of the Alabama State Plane Coordinate System of North 1004149.70 and East 301348.99; thence South 88 degrees 22 minutes 02 seconds West, 3.64 feet along the south line of said Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 25 to the beginning center line to be described; thence North 00 degrees 01 minutes 25 seconds East, 2625.24 feet to a point on the north line of said Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 25, such point being the point of ending of the center line herein described, and being located North 88 degrees 58 minutes 29 seconds West, 43.17 feet from the northeast corner of said Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 25 as marked by a two-inch crimped pipe in a rock pile.

The side lines of said described strip being elongated or shortened to terminate at a point marked by an axle on the south line of said Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 25, and being elongated or shortened to terminate at a point marked by an axle on the north line of said Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 25.

Containing 13.5 acres, more or less.

PARCEL 60

That part of a strip of land 325 feet wide that is located in the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section 25, Township 20 South, Range 2 East, of the Huntsville Meridian, Shelby County, Alabama. Said strip of land being 175 feet to the right and 150 feet to the left of a center line described as follows:

Commence at the southeast corner of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section 31, Township 20 South, Range 2 East, as marked by an iron pin in a rock pile having coordinates in the East Zone of the Alabama State Plane Coordinate System of North 1001474.46 and East 302622.22; thence North 01 degrees 05 minutes 41 seconds East, along the east line of said Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section 31, a distance of 79.79 feet to the beginning of the center line to be described; thence North 49 degrees 54 minutes 16 seconds West, a distance of 954.10 feet to a tangent spiral point; thence northwesterly along a Euler spiral, concave to the northeast, central angle 2 degrees 00 minutes 00 seconds, 100 feet to a spiral curve point; thence northwesterly along the central curve, concave to the northeast, radius 1432.69 feet, central angle 49 degrees 54 minutes 59 seconds, 1147.92 feet to a curve spiral point; thence northerly along a Euler spiral, concave to the east, central angle 2 degrees 00 minutes 00 seconds, 100 feet to a spiral tangent point; thence North 00 degrees 01 minutes 25 seconds East, 802.44 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 25, Township 20 South, Range 1 East, such point being the point of ending of the center line herein described, and being located North 88 degrees 04 minutes 11 seconds West, 3.64 feet from the northeast corner of said Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 25.

This side lines of said described strip being elongated or shortened to terminate at points marked by axles on the north and south lines of said Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section 30.

BOOK 278 PAGE 59

Containing 6.0 acres, more or less.

The above described lands contain a total of 19.5 acres.

TO HAVE AND TO HOLD to the said Southern Electric Generating Company, its successors and assigns forever.

Given under our hands and seals this 30<sup>th</sup> day of JANUARY A.D., 1990.

_____	<u>Eldred W. Ray Sr.</u> (SEAL)
_____	<u>Thelma W. Ray</u> (SEAL)
_____	(SEAL)
_____	(SEAL)

BOOK 278 PAGE 60

STATE OF ALABAMA )  
SHELBY COUNTY )

I, Milton J. Johnson

a Notary Public-State at Large in and for said County in said State, hereby certify that Eldred M. Ray, Sr., and wife, Thelma N. Ray,

whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 30th day of

January, 1990.

Milton J. Johnson  
Notary Public - State at Large

BOOK 278 PAGE 61

STATE OF ALABAMA )  
COUNTY )

I, \_\_\_\_\_,

a Notary Public in and for said county, in said state, hereby certify that

whose name as \_\_\_\_\_ of

\_\_\_\_\_, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he 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 \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT WAS FILED  
90 FEB -8 AM 10:52

1. Docm Tax	\$	_____
2. Mtg Tax	\$	10.00
3. Recording Fee	\$	3.00
4. Indexing Fee	\$	_____
5. No Tax Fee	\$	1.00
6. Certified Fee	\$	_____
Total	\$	14.00

Notary Public

My commission expires: \_\_\_\_\_