

EASEMENT - DISTRIBUTION FACILITIES

STATE OF ALABAMA

County of SHELBY

This instrument prepared in  
Birmingham Div. Real Estate  
Dept. of Alabama Power Co.  
Birmingham, AL

By Don Bailey

All facilities on Grantor:

WE Number: 61700-00-0139-5-00

Parcel Number: STA 1+00 To STA 2+00

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That RTM ALABAMA, INC., an Alabama corporation

as grantor(s), (the "Grantor", whether one or more) for and in consideration of the sum of One and No/100 (\$1.00), and other good and valuable considerations, to Grantor in hand paid by Alabama Power Company (the Company), a corporation, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to the Company, the easements, rights and privileges described and designated in Section B below, together with the right to permit other persons, partnerships and corporations to use and exercise such easements, rights and privileges in common with the Company.

B. RIGHTS The easements, rights and privileges granted hereby are as follows (if less than all of 1-3 are granted, then check and initial applicable paragraph):

(X)

**OVERHEAD AND 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 to be selected by the Company which is generally shown on the attached drawing (which shows the general location of the underground facilities, if any, by cross hatching indicating an area not greater than ten (10) feet in width), all poles, towers, wires, conduits, fiber optics, cables, transducers, transformers, anchors of concrete, metal or other material, guy wires and other materials, appliances, facilities and other apparatuses of whatever type, whether now or in the future existing or known which are useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power and for the overhead and/or underground communication service, and also the right to clear a strip extending fifteen (15) feet to either side of the centerline of the line of poles and keep it cleared of all trees, undergrowth or other obstructions; further, the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees, limbs outside the thirty (30) foot strip which, in the sole opinion of the Company, might endanger, interfere with or fall upon the poles, lines or other appliances of the Company.

( )

**2. LINE CLEARING.** The right of cut and trim and to keep cut and trimmed, and remove all dead, weak, leaning or dangerous trees or limbs, which in the sole opinion of the Company, now or may hereafter endanger or interfere with the electric transmission lines, telephone lines, poles, towers or other facilities of the Company or others now constructed, or which may hereafter be constructed, on or adjacent to the Property described in Section C below, and also the right to clear a strip fifteen (15) feet to either side of the center line of the line of poles and keep it clear of all trees, undergrowth or other obstructions.

( )

**3. GUY WIRE and ANCHOR.** The right to implant, install and maintain anchor(s) of concrete, metal or other materials at \_\_\_\_\_ point(s) on the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now erected on such Property or property adjacent thereto (collectively, "Guy Wire Facilities").

In addition to the easements, rights and privileges granted in all or any of 1, 2 or 3 above, Grantor hereby grants to the Company all easements, right and privileges necessary or convenient for the full enjoyment and use thereof, including without limitations the right of ingress and egress to and from the Company's 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 easement, rights and privileges granted hereby shall apply to, and the word "Property" as used in the instrument shall mean, the following described real property situated in Shelby County, Alabama (the "Property"): as described on Exhibit "A" attached hereto and made an essential part hereof.

~~Lot \_\_\_\_\_ of Block \_\_\_\_\_ of \_\_\_\_\_~~  
~~as recorded in Map Book \_\_\_\_\_, page \_\_\_\_\_ and being located in the \_\_\_\_\_ 1/4 of the \_\_\_\_\_ 1/4 of~~  
~~Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_ and recorded in Deed Book \_\_\_\_\_, page \_\_\_\_\_~~  
~~\_\_\_\_\_ recorded in the Office of the Judge of Probate in said County~~

D. **GENERAL** In the event it becomes necessary or desirable for the Company to move any of its Facilities in connection with the construction or improvement of any public road or highway in proximity to its Facilities, Grantor hereby grants to the Company the right to relocate its Facilities on said Property, provided, however, the Company shall relocate its Facilities at a distance no greater than ten (10) feet outside the boundary of the right of way of any public road or highway as established or re-established from time to time. In the event that none of options 1 through 3 in Section B above are marked, then Grantor hereby grants all easements, rights and privileges described in such option 1. This grant and agreement shall be binding upon and inure to the benefit of Grantor, the Company and each or 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 foregoing easements, rights and privileges to the Company, its successors and assigns, forever.

GRANTEE'S ADDRESS  
ALABAMA POWER CO.  
P.O. BOX 2641  
BIRMINGHAM, AL 35291-1980

10/20/1995-30153  
01:07 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.50

Inst # 1995-30153

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

WITNESSES:

GRANTOR(S)

(Seal)

(Seal)

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed J. Russell Welch & Robert S. Stallings, authorized representative, as of 18th day of July, 1995.

GRANTOR

RTM ALABAMA, INC., an Alabama corporation

(Name of Corporation/Partnership)

By:

Title: Senior Vice President

By:

(Signature of Officer/Partner)

Assistant Secretary

(Indicate title of Officer or Partner)

ATTEST:

(Witness/Secretary)

STATE OF ALABAMA }

County of \_\_\_\_\_ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_ whose names is/are signed to the foregoing instrument and 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 \_\_\_\_\_, 19\_\_\_\_.

Notary Public

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

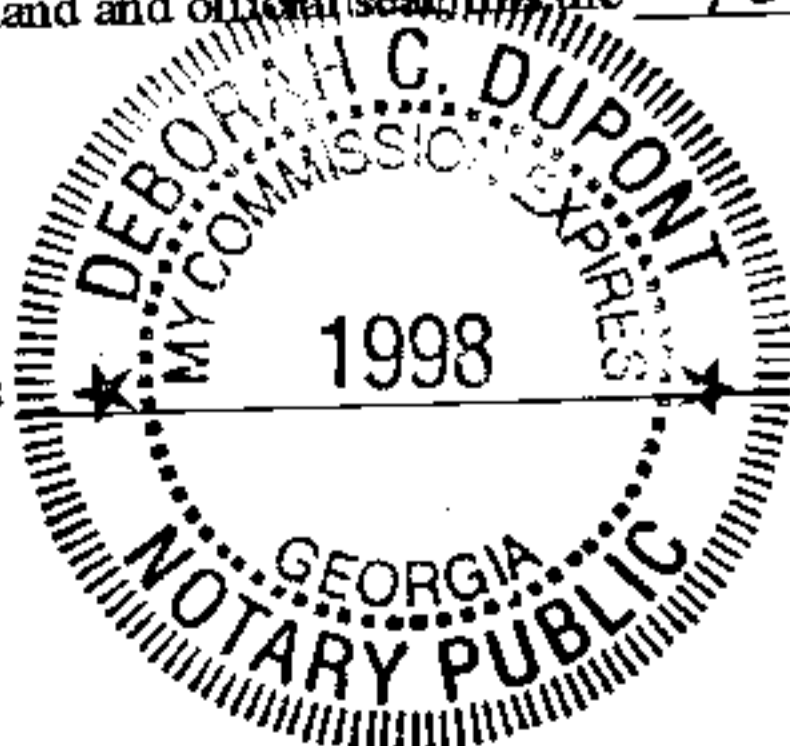
STATE OF ~~ALABAMA~~ GEORGIA }

County of FULTON }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that J. Russell Welch and Robert S. Stallings whose names as Senior Vice President and Assistant Secretary of RTM ALABAMA, INC., respectively, 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 officer/partner and with full authority, executed the same voluntarily for and as the act of said Corporation/Partnership.

Given under my hand and official seal, this the 18th day of July, 1995.

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



Notary Public

EXHIBIT "A"

RTM ALABAMA INC.  
HWY. #119, PELHAM, AL

A 10 FOOT WIDE ELECTRICAL SERVICE EASEMENT SITUATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 1 OF CAHABA VALLEY PARK NORTH AS RECORDED IN MAP BOOK 13, PAGE 140, IN THE OFFICE OF JUDGE OF PROBATE, SHELBY COUNTY, ALABAMA, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ALABAMA HIGHWAY #119;

THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE 63.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 10 FOOT WIDE EASEMENT, SAID EASEMENT LYING 5 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

THENCE TURN AN ANGLE OF  $123^{\circ}-44'-13''$  RIGHT LEAVING SAID RIGHT-OF-WAY LINE AND RUN NORTHWESTERLY 58.00 FEET, MORE OR LESS;

THENCE TURN AN ANGLE OF  $15^{\circ}-59'-51''$  LEFT AND RUN NORTHWESTERLY 15.50 FEET, MORE OR LESS;

THENCE TURN AN ANGLE OF  $11^{\circ}-46'-09''$  LEFT AND RUN NORTHWESTERLY 89.40 FEET, MORE OR LESS;

THENCE TURN AN ANGLE OF  $42^{\circ}-37'-35''$  LEFT AND RUN NORTHWESTERLY 23.65 FEET, MORE OR LESS;

THENCE TURN AN ANGLE OF  $29^{\circ}-22'-03''$  LEFT AND RUN SOUTHWESTERLY 37.47 FEET, MORE OR LESS, TO THE END OF SAID EASEMENT.

JN 1359  
07/17/95



61700-00-0139-500

Alabama Power 

**UNDERGROUND  
RIGHT OF WAY  
WIDTH IS TEN  
(10) FEET**

