

# 1400 EASEMENT - DISTRIBUTION FACILITIES

All facilities on Grantor: ☒

W. E. No. 61500-00-05668-00

Parcel No. \_\_\_\_\_

STATE OF ALABAMA }

COUNTY OF SHELBY }

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That

SINGLE MAN

SIDNEY SMYER III

1999-12690

as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollars (\$1.00), and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company (the "Company"), a corporation, the receipt and sufficiency of which are 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 paragraphs):

( )

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 to be selected by the Company which is generally shown on the attached drawing (which shows the general location of underground facilities, if any, by cross-hatching indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, transclosures, 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 overhead and/or underground communication service, and also the right to clear a strip extending fifteen feet (15') to either side of the center line of the lines 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 or limbs outside of the thirty foot (30') 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.

Initial \_\_\_\_\_

( )

2. **Line Clearing.** The right to cut and trim and to keep cut and trimmed, and remove all dead, weak, leaning or dangerous trees or limbs, which, in the Company's sole discretion, 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 extending fifteen feet (15') to either side of the center line of the lines of poles and keep it cleared of all trees, undergrowth or other obstructions.

Initial \_\_\_\_\_

( )

3. **Guy Wire and Anchor.** The right to implant, install and maintain anchor(s) of concrete, metal or other material 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 or hereafter to be erected on such Property or property adjacent thereto (collectively, "Guy Wire Facilities").

Initial \_\_\_\_\_

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, 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 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 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 in the SE 1/4 of the SE 1/4 of Section 13, Township 18S, Range 14W, as is recorded in B 52 at P 805 in the office of the Judge of Probate of SHELBY County, Alabama

THIS INSTRUMENT PREPARED  
BY Robert Bowden  
ALABAMA POWER COMPANY  
P. O. BOX 2641  
BIRMINGHAM, AL 35291

## 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 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. 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 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 foregoing easements, rights and privileges to the Company, its successors and assigns, forever.

03/26/1999-12690  
09:16 AM  
SHELBY COUNTY JUDGE  
003 MEL  
14.00  
DUE TO 5162

[individuals and parties in representative capacity - indicate capacity]

1998 IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the 19 day of NOV

Witness

(Grantor)

Witness

(Grantor)

Witness

By: (SEAL)  
As:

Witness

By: (SEAL)  
As:

Witness

By: (SEAL)  
As:

Witness

By: (SEAL)  
As:

[corporations, partnerships, L.L.C.'s, etc. - including in representative capacity]

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by  
its authorized representative, as of 199

ATTEST (if corporation) or WITNESS:

(Grantor)

By: Its: Secretary

By: (SEAL)  
Its: [indicate President, General Partner, Member, etc.]

ATTEST (if corporation) or WITNESS:

By: Its: Secretary

By: (SEAL)  
Its: [indicate President, General Partner, Member, etc.]

[individuals and parties in representative capacity]

STATE OF ALABAMA }  
COUNTY OF JEFFERSON }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that SIDNEY SMYER  
a single man whose name(s) [as  
respectively] is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this  
day that being informed of the contents of the instrument, he/she/they [in such capacity as aforesaid] executed the same voluntarily, on the day the same  
bears date.

Given under my hand and official seal, this the 19 day of NOV 1998

[SEAL]

Notary Public

My commission expires: 15 JUNE 01

[corporations, partnerships, L.L.C.'s, etc. - including in representative capacity]

STATE OF ALABAMA }  
COUNTY OF }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that  
whose name as of [as  
a  
of the contents of the instrument, he/she, as such and with full authority, executed the same voluntarily for and as the act of said  
[acting in such capacity as aforesaid].

Given under my hand and official seal, this the day of 199

[SEAL]

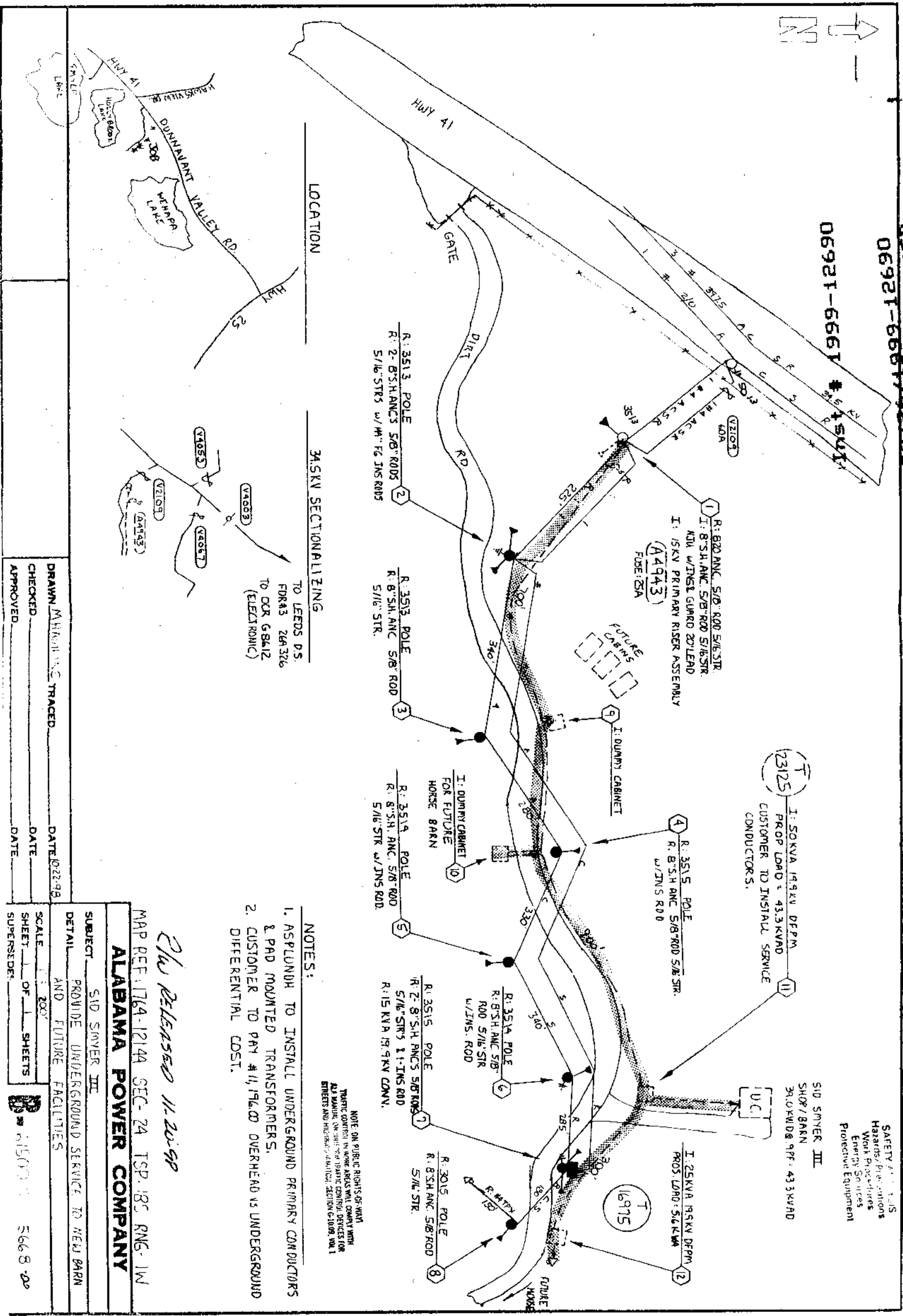
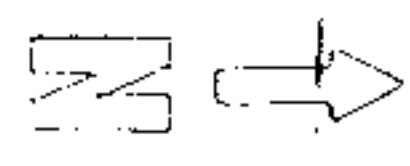
Notary Public

My commission expires:

003 WEL

09:16 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE

06921-6661



SAFETY: ALL  
Hazards/Precautions  
Work Procedures  
Energy Sources  
Protective Equipment

SID SMYER III  
SHOW/BAWN  
39.0 KWD @ 9FT: 43.3 KWD

LOCATION

34.5KV SECTIONALIZING

TO LEADS D.S.  
FOR #3 264326  
TO OUR G8412  
(ELECTRONIC)

NOTES:

1. ASPLUNDH TO INSTALL UNDERGROUND PRIMARY CONDUCTORS & PAD MOUNTED TRANSFORMERS.
2. CUSTOMER TO PAY #11, 194.00 OVERHEAD VS UNDERGROUND DIFFERENTIAL COST.

NOTE: ON PUBLIC RIGHTS-OF-WAY  
TRAFFIC CONTROL IN WORK AREAS WILL COMPLY WITH  
ALL MAJOR AND MINOR TRAFFIC CONTROL DEVICES FOR  
STREETS AND HIGHWAYS (SECTION C-1009, VOL. 1)

ALABAMA POWER COMPANY

SUBJECT: SID SMYER III  
DETAIL: PROVIDE UNDERGROUND SERVICE TO NEW BARN  
AND FUTURE FACILITIES

DRAWN: M. H. H. TRACED  
CHECKED: DATE  
APPROVED: DATE

SCALE: 1" = 200'  
SHEET 1 OF 1 SHEETS  
SUPERSEDES: 5668-00