

#1750

70091813

STATE OF ALABAMA
COUNTY OF SHELBY

571
WE #61730-00-0034-100

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Sunlink as Agent for BellSouth Telecommunications, Inc. for and in consideration of the sum of One and No/100 Dollar (\$1.00), to it in hand paid by Alabama Power Company, a corporation, the receipt whereof is acknowledged, does hereby grant to said Alabama Power Company, its successors and assigns, the right from time to time to construct, install, operate and maintain, upon, over, under and across a route as indicated on Alabama Power Company Drawing, Exhibit "B", attached hereto and made a part hereof, which shows the general location of underground facilities by cross-hatching indicating an area not greater than ten feet (10') all poles, wires, conduits, fiber optics, cables, translosures, and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keepo trimmed and cut all dead weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of Alabama Power Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities across the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Alabama Power Company shall defend, indemnify, and hold harmless BellSouth Telecommunications, Inc., its directors, officers, employees, and agents, from and against any and all liabilities, lawsuits, claims, or demands ("liabilities") arising out of or relating to Alabama Power's construction, operation, or maintenance of its facilities or otherwise arising out of or relating to this agreement. Liabilities and defense costs arising out of or relating to the joint or concurrent negligence of BellSouth Telecommunications, Inc., and Alabama Power Company shall be shared according to the relative responsibilities of the parties. Alabama Power Company shall not be obligated to defend and indemnify BellSouth Telecommunications, Inc., for liabilities arising out of or relating to the sole negligence of BellSouth Telecommunications, Inc.

TO HAVE AND TO HOLD the same to the said Alabama Power Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the said BellSouth TeleCommunications, Inc. has caused this instrument to be executed in its name by R.M. WEBBER as its SENIOR DIRECTOR - CRES on this, the 27th day of September, 2001.

WITNESS

SUNLINK AS AGENT FOR
BELLSOUTH TELECOMMUNICATIONS, INC.

BY: Edward Sherman, Jr.

BY: T.M. Webb

ITS MANAGER - Real Estate Negotiations

ITS: SENIOR DIRECTOR - CRES

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, DeNell W. Bell, a Notary Public, in and for said County, in said State, hereby certify that R.M. WEBBER, whose name as Senior Director - CRES of Sunlink as Agent for BellSouth TeleCommunications, Inc. 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, as such 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 27th day of September, 2001.

THIS INSTRUMENT PREPARED
BY Ann L. Throckmold, Jr.
ALABAMA POWER COMPANY
P. O. BOX 2641
BIRMINGHAM, AL 35291

DeNell W. Bell
Notary Public
My commission expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 7, 2004
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

10700	EAL		000000		689 00	700/00000	
PRCN	CT	ACTVY	EWO	PROJ	LOC	FERC/SUB	RRCT

02/22/2002-08826
08:24 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
003 MEL 17.50

Inst # 2002-08826

EXHIBIT "A"

A parcel of land lying in and being a part of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

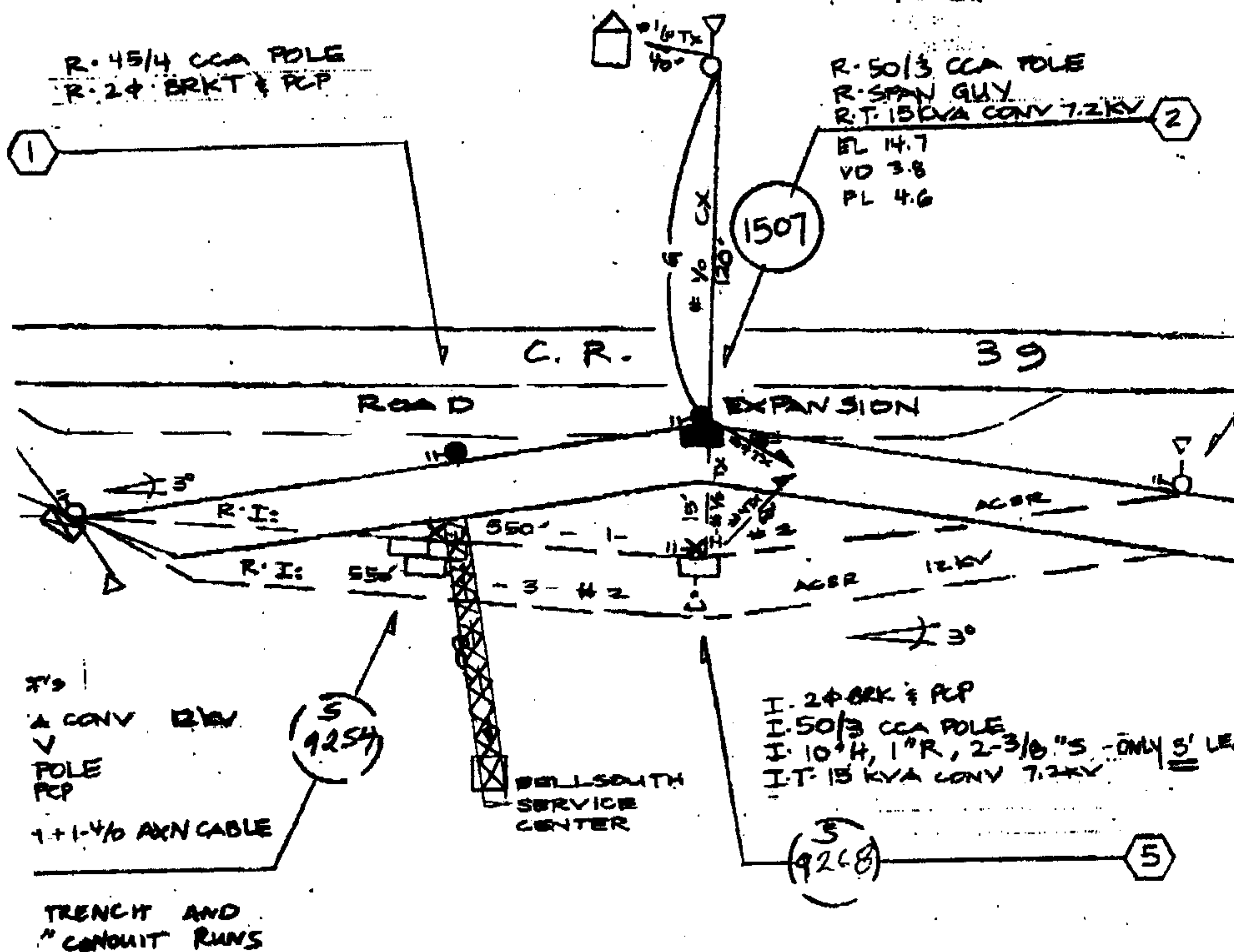
Commence at an iron pin set at the Northwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 26; thence proceed in an Easterly direction along the North line of said Northwest 1/4 of Southeast 1/4 for 737.47 feet to a point; thence leaving said north line of Northwest 1/4 of Southeast 1/4, turn a deflection angle right of 92 degrees 34 minutes 22 seconds and proceed Southerly for 210.83 feet to a point; thence turn a deflection angle right of 87 degrees 30 minutes 00 seconds and proceed Westerly for 50.30 feet to an iron pin set on the Southwest line of a flare to the right of way of U.S. Highway 280, said point also known as the point of beginning of herein described parcel, said point also lying in a curve to the right, said curve having a radius of 1372.19 feet and central angle of 2 degrees 10 minutes 58 seconds; thence turn a deflection angle left of 82 degrees 36 minutes 03 seconds to the tangent of said curve and proceed Southerly along the arc of said curve and along said Southwest line of right of way flare for 52.28 feet to a concrete monument found; thence turn a deflection angle right of 00 degrees 07 minutes 21 seconds from tangent of the previous curve and continue Southerly along said Southwesterly line of right of way flare for 12.68 feet to a concrete monument found; thence turn a deflection angle left of 90 degrees 00 minutes 00 seconds and proceed Easterly along the South end of said right of way flare for 37.82 feet to a iron pin set on the Westerly approximate prescriptive right of way margin of Shelby County Road #39; thence turn a deflection angle right of 88 degrees 42 minutes 17 seconds and proceed Southerly along said Westerly approximate prescriptive right of way margin for 74.74 feet to an iron pin set at the beginning of a curve to the left, said curve being tangent to the last described course and having a radius of 977.85 feet and a central angle of 12 degrees 06 minutes 59 seconds; thence proceed Southerly along the arc of said curve and along said Westerly approximate prescriptive right of way margin for 206.79 feet to an iron pin set at the end of said curve; thence proceed Southerly along said Westerly approximate prescriptive right of way on a line tangent to last described curve for 54.18 feet to an iron pin set; thence leaving said Westerly approximate prescriptive right of way margin turn a deflection angle right of 92 degrees 14 minutes 04 seconds and proceed Westerly for 414.66 feet to an iron pin found; thence turn a deflection angle right of 88 degrees 14 minutes 37 seconds and proceed Northwesterly for 209.56 feet to an iron pin found; thence turn a deflection angle of 15 degrees 33 minutes 52 seconds and proceed Northeasterly for 211.11 feet to an iron pin found; thence turn a deflection angle right of 77 degrees 39 minutes 53 seconds and proceed Easterly for 369.70 feet to the point of beginning.

According to survey of Daniel K. Capps, RLS #13411, dated August 11, 2000.

Bell South Service Center

WE# 61700-00-0571-100

Exhibit "B"



Inst # 2002-08026

TOTAL P.02

02/22/2002-08826
08:21 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MEL 17.50