

#1800

**RESTRICTIVE COVENANTS and
GRANT OF LAND EASEMENT for
Underground facilities in Subdivision**

WE Number: 61700-08-0077-0-00

PARCEL Number: 70092024

STATE OF ALABAMA }
 :
County of Shelby }

THIS PERMIT COVERS ALL COMPANY FACILITIES
LOCATED ALONG THE ROUTE SHOWN
ON THE ATTACHED DRAWING WITHIN
THE SUBDIVISION IDENTIFIED HEREON.

KNOW ALL MEN BY THESE PRESENTS, THAT: WHEREAS, the "Grantor", (whether one or more) are owners of record of the following described real estate in Shelby County, Alabama, to wit: **Hayesbury Townhomes - Phase II** (the "Subdivision") as shown on the plat recorded in Map Book 28, page 89, in the Office of the Judge of Probate, Shelby County, Alabama (the "Property") (SW 1/4 of Section 36, Township 19S, Range 3W) and,

WHEREAS, the said Grantor is desirous of granting Alabama Power Company, (the Company) an easement for underground electrical facilities and of establishing or placing the heretofore described subdivision under certain restrictive covenants to insure the use of the property for attractive residential purposes and thereby to secure to each lot owner the same advantages insured to other lot owners.

NOW, THEREFORE, The Grantor, for and in consideration of *One and No/100 Dollars (\$1.00)*, and other good and valuable consideration, to Grantor in hand paid by the Company, the receipt of which is hereby acknowledged, does hereby grant to Company, its successors and assigns, the right to construct, install, operate, maintain and replace, along a route to be selected by the Company, its successors or assigns, all conduits, cables, trans closures and other appliances and facilities (above ground and below ground) useful or necessary in connection therewith, for the underground transmission and distribution of electric power and for underground communication service upon, under and across the Property.

Together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said facilities and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut and keep clear any and all obstructions or obstacles of whatever character on, under and above said facilities.

TO HAVE AND TO HOLD such easement to the Company, its successors and assigns, forever.

And, the undersigned Grantors further does hereby adopt the following conditions, restrictions, covenants and limitations which shall apply in their entirety to all lots in the said Subdivision and shall run with the title to said property, and which shall be included in any conveyance of title to any or all of said lots in said subdivision:

1. The owners of lots within the Subdivision will not erect or grant to any person, firm or corporation the right, license or privilege to erect or use or permit the use of overhead wires, poles or overhead facilities of any kind for electrical, telephone, or cable television service on said real estate (except such poles and overhead facilities as may be required at those places where distribution facilities enter and leave said subdivision, or existing and/or future overhead transmission or communication facilities on existing Alabama Power Company rights of way). Nothing herein shall be construed to prohibit overhead street lighting, or ornamental yard lighting, where serviced by underground wires or cables.

2. In order to beautify said Subdivision for the benefit of all lot owners and permit Alabama Power Company to install underground electric service to each house in said Subdivision for the mutual benefit of all lot owners therein, no owner of any lot within said Subdivision will commence construction of any house on any lot until such owner (1) notifies Alabama Power Company that such construction is proposed, (2) grants in writing to Alabama Power Company such rights and easements as Alabama Power Company deems necessary in connection with its construction, operation, maintenance, replacement and removal of underground service laterals of each lot, and (3) otherwise complies with the Rules and Regulations for Underground Residential Distribution on file with and approved by the Alabama Public Service Commission. Further, no plants, shrubs, fences, walls or other obstructions shall be placed in front of or within three (3) feet of any side of any pad-mounted equipment and Alabama Power Company shall not be liable for any damages to or destruction of any shrubs, trees, flowers, grass or other plants caused by the equipment or employees of the Company or its contractors engaged in the construction, operation, maintenance, replacement or removal of the Company's facilities. Appropriate meter locations must be obtained from Alabama Power Company prior to installing or relocating service entrance facilities and associated internal wiring. Owners must install meter sockets provided by Alabama Power Company to the Company's specifications and provide and install two (2) inch (for 200 amp) or three (3) inch (for 400 amp) schedule 40 PVC or equivalent galvanized conduit from the meter socket to two (2) feet below finished grade.

3. Alabama Power Company, its successors and assigns, will retain title to all underground facilities installed by the Company or its contractors, including but not limited to the service lateral and outdoor metering socket serving each said house, and said service entrance facilities provided by Alabama Power Company will not in any way be considered a fixture or fixtures and thereby a part of said real estate, but will remain personal property belonging to Alabama Power Company, its successors and assigns, and will be subject to removal by Alabama Power Company, its successors and assigns, in accordance with applicable Rules and Regulations filed with and approved by the Alabama Public Service Commission.

4. These covenants and restrictions touch and concern and benefit the land and shall run with the land and shall be binding on Alabama Power Company, the undersigned, their respective heirs, successors and assigns. Invalidity of any one of the foregoing covenants and restrictions shall in no way affect any other provision contained herein.

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04/23/2002-18706
08:57 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 KSB 18.00

IN WITNESS WHEREOF, this instrument has been executed this day 30th of OCTOBER, 2000.

GRANTOR:

Witness/Attest:

Louie D. Halland

FORESIGHT DEVELOPMENT, LLC

Name of Individual/Company/Partnership

Paul J. Spina Jr member
Signature of Individual/Officer/Partner

Note: This agreement to be recorded in the Office of the Judge of Probate in the county as indicated above.

CORPORATE/PARTNERSHIP ACKNOWLEDGMENT

STATE OF ALABAMA }

County of Shelby }

I, The undersigned, a Notary Public, in and for said County in said State, hereby certify that PAUL J. SPINA JR., whose name as MEMBER of FORESIGHT DEVELOPMENT, L.L.C. a corporation/partnership, 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, 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 30 day of October, 2000.

Louie D. Halland
Notary Public

My commission expires: 2/24/01

INDIVIDUAL ACKNOWLEDGMENT

STATE OF ALABAMA }

County of _____ }

I, _____, a Notary Public in and for said County, in said State, hereby certify that _____, whose name (s) (is/are) signed to the foregoing instrument, and who (is/are) known to me, acknowledged before me on this date that, being informed of the contents of the agreement, (has/have) executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the _____ day of _____, 20____.

Notary Public

My commission expires _____.

THIS INSTRUMENT PREPARED BY:

DON D. BAILEY

Alabama Power Company
Corporate Real Estate
P. O. Box 2641
Birmingham, AL 35291-1980

DO NOT RECORD WITHOUT ATTACHED DRAWING!

PHASE II

Inst # 200C-18706
04/23/2002-18706
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DOCS MSB

LOCATION SKETCH

RIDER LOADING

	NORMAL	EMERGENCY
XO-7859	20.1A	38.4A
XO-7861	11.1A	19.4A

NOTES:
1. RIDER LOAD BASED ON 1 KVA PER LOT.
2. TRANSFORMER LOADING BASED ON 1.75 AMP AT 4.8V.
3. FUSION CALCULATED ON 3P AC.
4. PRIMARY CABLE TO BE 1/16" DIA AND SHALL BE RATED 4" BELOW GROUND.
5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 300 AMP FUSIBLE DISCONNECTS IN EACH TRANSFORMER.
7. ALL SECONDARY WIRE SHALL CONSIST OF 1/4" DIA AND 3/4" DIA ALUMINUM VOLT CABLE.
8. ALL PRIMARY CONDUCTORS SHALL BE RATED IN 3" CONDUIT.
9. ALL SECONDARY WIRE SHALL BE INSTALLED IN 2" CONDUIT.
10. MINIMUM VOLTAGE DROP CALCULATED AT 1% FOR 1.75.
11. MINIMUM FUSING CAPACITY AT 1% FOR 1.75.
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

ALABAMA POWER CO.
JOB SOUTH REGION DISTRIBUTION
DETAIL PROVIDE US SERVICE TO
HARTSHORN TOWNSHIP

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NOTES:

1. WIRE LOAD BASED ON A MIN PER LOT.
2. TRANSFORMER LOADINGS BASED ON UTILITY AT A/C.
3. FUSION CALCULATED ON 3P A/C.
4. PRIMARY CABLE TO BE 1/4" DIA AND SHALL BE BURIED 4" BELOW GROUND.
5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY'S REQUIREMENTS.
6. INSTALL 300 AMP FUSE BOXES IN EACH TRANSFORMER.
7. ALL SECONDARY WILL CONSIST OF 10/3 AND 12/3 AL KVM VOLT CABLE.
8. ALL PRIMARY CONDUCTORS WILL BE BUNDLED IN 3" CONDUIT.
9. ALL SECONDARY WILL BE INSTALLED IN 2" CONDUIT.
10. MAXIMUM VOLTAGE DROP CALCULATED AT 1% FOR 240V & 120V.
11. MAXIMUM FLICKER CALCULATED AT LIT PFC 2.0%
12. UPON COMPLETION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

WIRE LOADING		
	NORMAL EMERGENCY	
10-7650	20.1A	30.4A
10-7651	11.1A	16.6A

ALABAMA POWER CO
JOB SOUTH REGION DISTRIBUTION
DETAIL PROVIDE US SERVICE TO
HARTSHORN TOWNSHIP

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18.00

LOCATION SKETCH

NOTES:

1. OVERHEAD LINES ON A 100 PER LOT.
2. TRANSFORMER LOCATIONS BASED ON UTILITY AT A/C.
3. FUSION CALCULATED ON 10 A/C.
4. PRIMARY CABLE TO BE 1/16 INCH AND SHALL BE 4" BELOW GROUND.
5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 2ND AND 3RD PHASE WINDING IN EACH TRANSFORMER.
7. ALL SECONDARY WILL CONSIST OF 16/10 AND 16/10 AL KLP AND VOLT CHL.
8. ALL PRIMARY CONDUCTORS WILL BE BUNDLED IN 3" CONDUIT.
9. ALL SECONDARY WILL BE INSTALLED IN 2" CONDUIT.
10. MINIMUM VOLTAGE DROP CALCULATED AT 1% FOR 1.7%
11. MINIMUM FUSION CALCULATED AT 1% FOR 1.7%
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

BUSBAR LOADING		
NORMAL	EMERGENCY	
X-3615	20.1A	38.4A
X-4707	14.1A	26.4A

PLAN SCALE

APP REF: SW-19-36-3 SEC-36.TP-19SA-SM

ALABAMA POWER CO.

JOB SOUTH REGION DISTRIBUTION

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HARTSHORN TOWNSHIP

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DCS MSB

LOCATION SKETCH

NOTES:

1. OVER LOAD BASED ON A PER LOT.
2. TRANSFORMER LOCATIONS BASED ON UTILITY AT A/C.
3. FUSION CALCULATED ON 3P A/C.
4. PRIMARY CABLE TO BE 1/4" DIA AND SHALL BE BURIED 4" BELOW GROUND.
5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 3RD AND 4TH PHASE WINDING IN EACH TRANSFORMER.
7. ALL SECONDARY WILL CONSIST OF 16/10 AND 16/4 AL KLPK AND VOLT CHL.
8. ALL PRIMARY CONDUCTORS WILL BE BUNDLED IN 3" CONDUIT.
9. ALL SECONDARY WILL BE INSTALLED IN 2" CONDUIT.
10. MAXIMUM VOLTAGE DROP CALCULATED AT 1% FOR 17% IS 1.7%
11. MAXIMUM FLICKER CALCULATED AT 1% FOR 17% IS 1.7%
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

RIVER LOADING	
NORMAL	EMERGENCY
10-7820	20.1A
10-7821	10.1A

PLAN SCALE

0 20 40 60 80 100 120

ALABAMA POWER CO.
JOB SOUTH REGION DISTRIBUTION
DETAIL PROVIDE US SERVICE TO
MAINTENANCE PERSONNEL

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SHELBY COUNTY JUDGE OF PROBATE

DOCS MSB

NOTES:

1. OVER LOAD BASED ON A PER LOT.
2. TRANSFORMER LOCATIONS BASED ON UTILITY AT A/C.
3. FUSION CALCULATED ON 3P A/C.
4. PRIMARY CABLE TO BE 1/4" DIA AND SHALL BE LAYED 4" BELOW GROUND.
5. ALL ROAD CROSSINGS WILL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 30 AMP FUSE BOXES IN EACH TRANSFORMER.
7. ALL SECONDARY WIRE SHALL BE 1/4" DIA AND 90% ALUMINUM WIRE SHALL BE USED.
8. ALL SECONDARY CONDUCTORS SHALL BE INSTALLED IN 3" CONDUIT.
9. ALL SECONDARY WIRE SHALL BE INSTALLED IN 3" CONDUIT.
10. MINIMUM VOLTAGE DROP CALCULATED AT 100% LOAD IS 1.7%.
11. MINIMUM FUSING CALCULATED AT 100% LOAD IS 2.0%.
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

RIVER LOADING	
NORMAL	EMERGENCY
10-7820	20.1A
10-7821	20.1A

PLAN SCALE

ALABAMA POWER CO
SOUTH REGION DISTRIBUTION
DETAIL: PROVIDE US SERVICE TO
PROPERTY OWNERS

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LOCATION SKETCH

NOTES:

1. RISER LOAD BASED ON 1 KVA PER LOT.
2. TRANSFORMER LOADINGS BASED ON UTILITY AT A/C.
3. FUSION CALCULATED ON 3P A/C.
4. PRIMARY CABLE TO BE 1/16" DIA AND SHALL BE BURIED 4" BELOW GROUND.
5. ALL RISES OVERHEAD WILL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 300 AMP FUSE IN EACH TRANSFORMER.
7. ALL SECONDARY WIRE CONDUCTOR OF 1/16" DIA AND 90% AL ALUMINUM VOLT CABLE.
8. ALL SECONDARY CONDUCTORS WILL BE BUNDLED IN 3" CONDUIT.
9. ALL SECONDARY WIRE WILL BE INSTALLED IN 3" CONDUIT.
10. MINIMUM VOLTAGE DROP CALCULATED AT 100% OF 2.0%.
11. MINIMUM FLUENCE CALCULATED AT 100% OF 2.0%.
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

RISER LOADING	
NORMAL	EMERGENCY
10-7820	20.1A
10-7821	20.1A

PLAN SCALE

ALABAMA POWER CO.
JOB SOUTH REGION DISTRIBUTION
DETAIL PROVIDE US SERVICE TO
PROPERTY OWNERS

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18.00
003 MSB

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PHASE II

NOTES:

1. RIVER LOADING BASED ON A 100 PER LUG.
2. TRANSFORMER LOADING BASED ON 17.5% AT A/C.
3. FUSION CALCULATED ON 17.5%.
4. PRIMARY CABLE TO BE 1/4" DIA. AND SHALL BE 4" BELOW GROUND.
5. ALL ROAD CROSSINGS SHALL COMPLY WITH SHELBY COUNTY REQUIREMENTS.
6. INSTALL 200 AMP FUSE BOXES AT EACH TRANSFORMER.
7. ALL SECONDARY WILL CONSIST OF 1/4" DIA. AND 3/4" DIA. AL. KLEP. AND VOLT. CABLE.
8. ALL PRIMARY CONDUCTORS WILL BE 1/4" DIA. IN 3" CONDUIT.
9. ALL SECONDARY WILL BE 1/4" DIA. IN 2" CONDUIT.
10. MAXIMUM VOLTAGE DROP CALCULATED AT 17.5% IS 1.7%.
11. MAXIMUM FUSION CALCULATED AT 17.5% IS 2.0%.
12. AFTER CONSTRUCTION TO PERFORM ALL INSPECTION, INSTALL ALL THE CABLE.

RIVER LOADING	
10-7859	20.1A
10-7861	10.1A

PLAN SCALE

ALABAMA POWER CO.
SOUTH REGION DISTRIBUTION
DETAIL: PROVIDE US SERVICE TO
HARTSHORN TOWNSHIP