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Shelby Cnty Judge of Probate, AL
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W.E. 61700-00-0347-800

Parcel No. 70102605

STATE OF ALABAMA)

COUNTY OF SHELBY)

**THIS INSTRUMENT PREPARED
BY Don L Hardwick, Jr.
ALABAMA POWER COMPANY
P. O. BOX 2641
BIRMINGHAM, AL 35291**

UTILITIES EASEMENT AGREEMENT

THIS AGREEMENT is made as of the 10th day of July, 2002, between WAL-MART ~~REAL ESTATE BUSINESS TRUST~~, whose address is 702 S.W. Eighth Street, Bentonville, Arkansas 72716 (hereinafter called "Grantor") and Alabama Power Company, a corporation, (hereinafter called "Grantee").

WITNESSETH:

The said Grantor, for and in consideration of one and no/100 dollars (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns, a non-exclusive right to distribute electrical power and easement to enter upon and to construct, reconstruct, use, operate, maintain and patrol public utilities lines, poles, pipes, anchors, wires, cables, fixtures, and appurtenances thereto, including transformers, on, over, across or under a ten (10) foot strip of land as indicated and hatched on Exhibit "A" attached hereto and made a part hereof, said strip of right of way lying within the following described property:

A parcel of land situated in the NW ¼ of Section 25, Township 20 South, Range 3 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the NW corner of Section 25, Township 20 South, Range 3 West; thence South 88 degrees 52 minutes 57 seconds East and along the North line of the NW ¼ of said section as distance of 574.09 feet; thence South 08 degrees 10 minutes 22 seconds East and leaving said North line and run a distance of 513.53 feet; thence South 06 degrees 31 minutes 22 seconds East and run a distance of 452.08 feet; thence South 01 degree 54 minutes 22 seconds East and run a distance of 190.04 feet; thence South 01 degree 54 minutes 22 seconds East and run a distance of 82.03 feet; thence South 88 degrees 36 minutes 58 seconds East and run a distance of 26.47 feet; thence South 02 degrees 03 minutes 13 seconds East and run a distance 89.38 feet to the Point of Beginning; thence South 02 degrees 03 minutes 13 seconds East a distance of 525.12 feet thence South 04 degrees 02 minutes 25 seconds West and run a distance of 29.85 feet; thence South 87 degrees 42 minutes 27 seconds East and run a distance of 291.87 feet to the westerly right-of-way line of U. S. Highway 31 (200 feet R.O. W.), said point being on a curve to the right and having the following described characteristics: a radius of 4873.00 feet, and a central angle of 02 degrees 25 minutes 16 seconds; thence run along said westerly right-of-way and along the arc of said curve a distance of 205.91 feet, said arc subtended by a chord which bears South 14 degrees 36 minutes 20 seconds West a distance of 205.90 feet, to the curve's end; thence South 15 degrees 48 minutes 58 seconds West and continue along said Westerly right-of-way a distance of 182.75 feet; thence North 87 degrees 11 minutes 15 seconds West and leaving said right-of-way and run a distance of 199.97 feet; thence South 02 degrees 48 minutes 45 seconds West and run a distance of 32.00 feet; thence North 87 degrees 11 minutes 15 seconds West and run a distance of 52.14 feet; thence South 02 degrees 48 minutes 45 seconds West and run a distance of 203.94 feet; thence South 81 degrees 11 minutes 02 seconds East and run a distance of 194.00 feet to the Westerly right-of-way line of U. S. Highway 31; thence South 15 degrees 48 minutes 58 seconds West and run along said right-of-way a distance of 28.16 feet; thence North 81 degrees 11 minutes 02 seconds West and leaving said right-of-way and run a distance of 173.14 feet; thence South 08 degrees 23 minutes 27 seconds West and run a distance of 52.94 feet; thence North 81 degrees 07 minutes 26 seconds West and run a distance of 480.55 feet to the point of a curve to the left lying on the easterly right-of-way line of CSX Railroad (100 feet R.O.W.) and having the following described characteristics; a radius of 2899.96 feet, and a central angle of 06 degrees 25 minutes 31 seconds; thence run along the arc of said curve a distance of 325.21 feet, said arc subtended by a chord which bears North 2 degrees 21 minutes 04 seconds East a distance of 325.04 feet, to the curve's end; thence North 00 degrees 51

minutes 41 seconds West and run along said easterly right-of-way a distance of 849.61 feet; thence South 82 degrees 56 minute 19 seconds East and leaving said right-of-way and run a distance of 126.25 feet; thence North 87 degrees 56 minutes 47 seconds East and run a distance of 400.75 feet to the Point of Beginning. Said parcel contains 16.5377 acres, 720,383.61 square feet, more or less.

THE EASEMENTS ARE MADE SUBJECT TO THE FOLLOWING:

1. The Grantor shall have the right to use and enjoy fully said premises subject to the easement rights hereby granted, but Grantor agrees that it will not construct nor permit to be constructed any lakes, ponds, buildings or other structures of a permanent nature upon or over said easement area without the written consent of Grantee.

2. The Grantee shall have the right at any time to cut, trim and keep clear all trees, brush and other obstructions that may injure, endanger or interfere with the construction, operation or maintenance of said utilities.

3. In exercising any of the rights granted herein, the Grantee will not unreasonably interfere with the normal use of the premises and will, at its sole cost and expense and with due diligence, restore the premises to its condition immediately prior to the exercise of any such right.

4. Grantee does hereby indemnify and hold harmless the Grantor, their agents, servants, employees and assignees, from any and all liability, suits, claims, losses or expenses of any sort that may result from Grantee's contemplated use of the said rights of way, resulting from the acts or omissions of Grantee, its agents, servants or employees.

5. The easement granted hereunder is a permanent easement and will continue in full force and effect so long as the easement is used by the Grantee, its successors and assigns. Notwithstanding, Grantor shall have the right at its sole option and expense to require the relocation of said easement together with electric transmission facilities situated thereon Grantor's property. Upon relocation of said facilities and Grantor's written notice, Grantee shall within a 30-day period, release and extinguish all its rights granted pursuant to this easement.

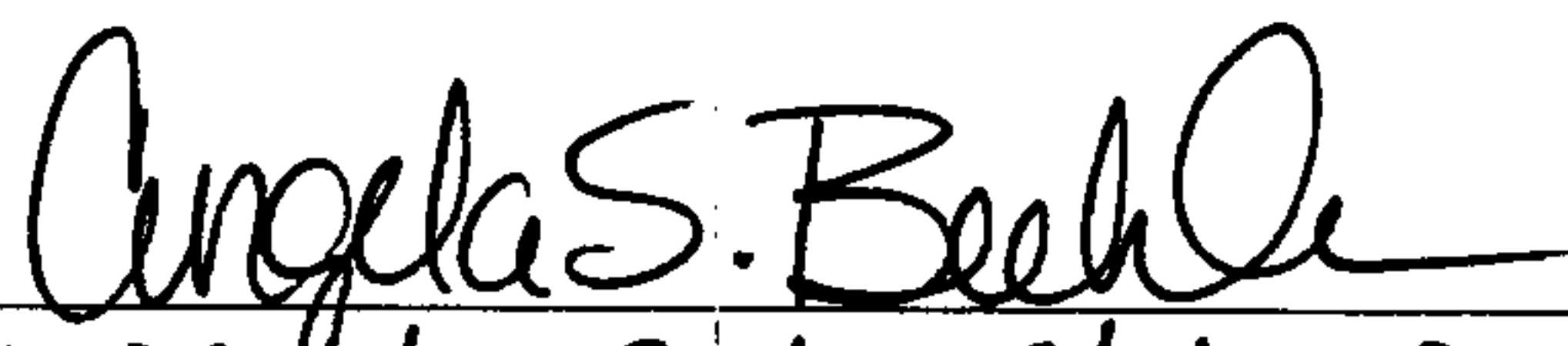
6. This easement contains all of the agreements and stipulations between the Grantor and Grantee with respect to the granting of said easement, and the same shall inure to the benefit of and be binding upon the Grantor and Grantee and their respective successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this easement agreement the date first written above.

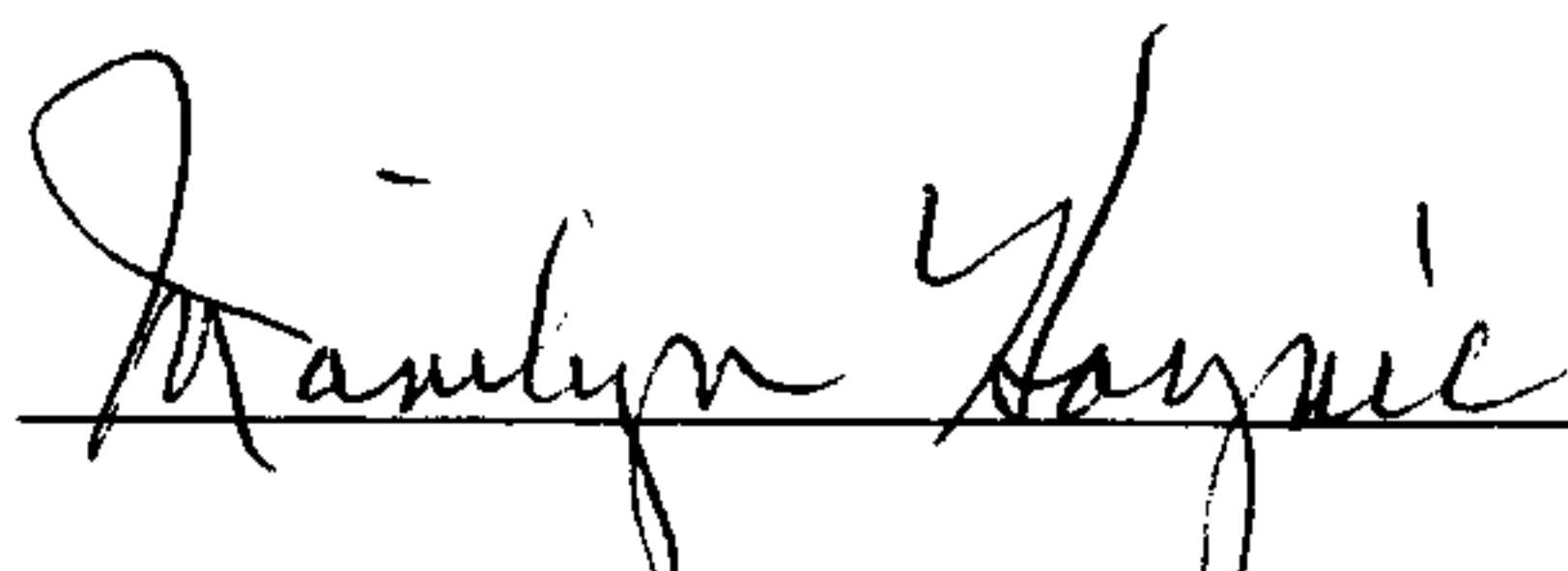
WITNESS OR ATTEST:


Its: _____

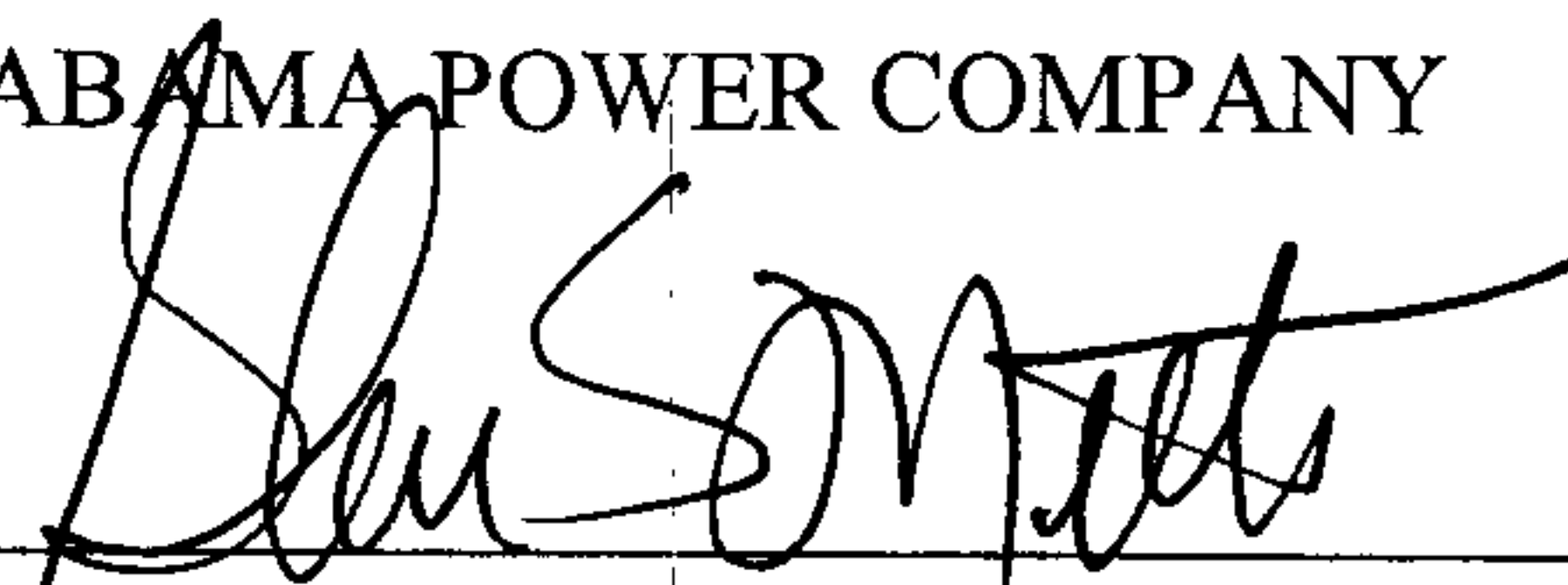
WAL-MART REAL ESTATE BUSINESS TRUST *OK as is*


Its: DIRECTOR Fueling Stations Development

WITNESS OR ATTEST:



Its: _____

ALABAMA POWER COMPANY

By: 
Its: Land Manager

AGREED AND CONSENTED BY:

Wal-Mart Stores East, LP
Delaware Limited Partnership

2 By: 
Scott Greer
Director, Building Development - Leasing

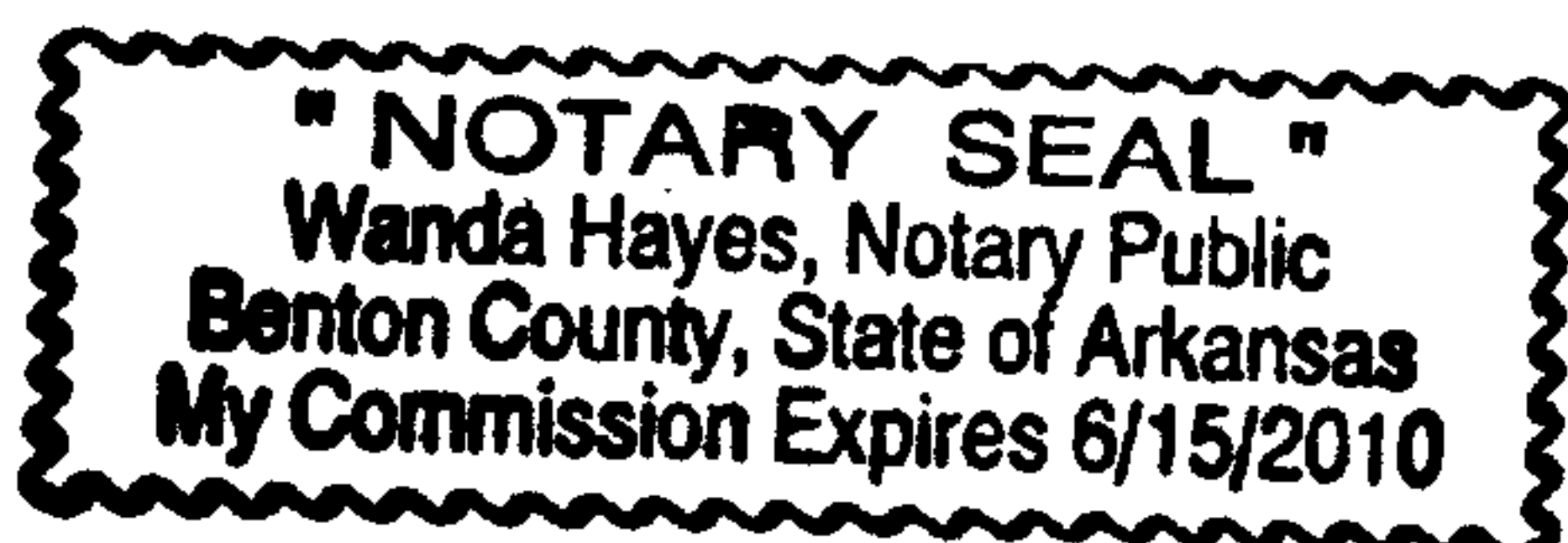
STATE OF Arkansas)

COUNTY OF Benton)

I, Wanda Hayes, a Notary Public, in and for said County in said State, hereby certify that Angela S. Buehler ^{ex. att.} whose name as Director Funding Stations Corp of ~~WAL-MART REAL ESTATE BUSINESS TRUST~~ 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 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 10 day of July, 2002.

(SEAL)



Wanda Hayes
Notary Public
My commission expires June 15, 2010

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, Dan L. Hardwick, III, a Notary Public, in and for said County in said State, hereby certify that Glen S. Metts, whose name as Land Manager of ALABAMA POWER COMPANY, a corporation, 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, with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this the 23rd day of April, 2002.

(SEAL)

Dan L. Hardwick, III
Notary Public
My commission expires 1/27/00

CONSENT AND ACKNOWLEDGMENT

Murphy Oil USA, INCORPORATED does hereby consent to the grant of the foregoing Easement to Alabama Power Company from Wal-Mart Real Estate Business Trust as executed on the ____ day of _____, 2002.

Acknowledged and Agreed to that 25th day of July, 2002.

MURPHY OIL USA, INCORPORATED

By: Charles Ganus
Its: Senior Vice President

Arkansas
STATE OF ALABAMA)

Union COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Charles Ganus, whose name as Senior Vice President of Murphy Oil USA, Incorporated, is signed to the foregoing document, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he/she, 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 25th day of July, 2002.

Notary Public

Donna Landers

My Commission Expires:

Aug. 28, 2010



MURPHY
P.O. BOX 7000
200 PEACH STREET
EL DORADO, AR 71731-7000

MURPHY OIL COMPANY U.S.A. INC.

ENGINEERING
ASSOCIATES, INC.
110 W. Central Ave.
Birmingham, AR 35202
(205) 273-0444
FAX (205) 273-0444
DATE: 04-27-98

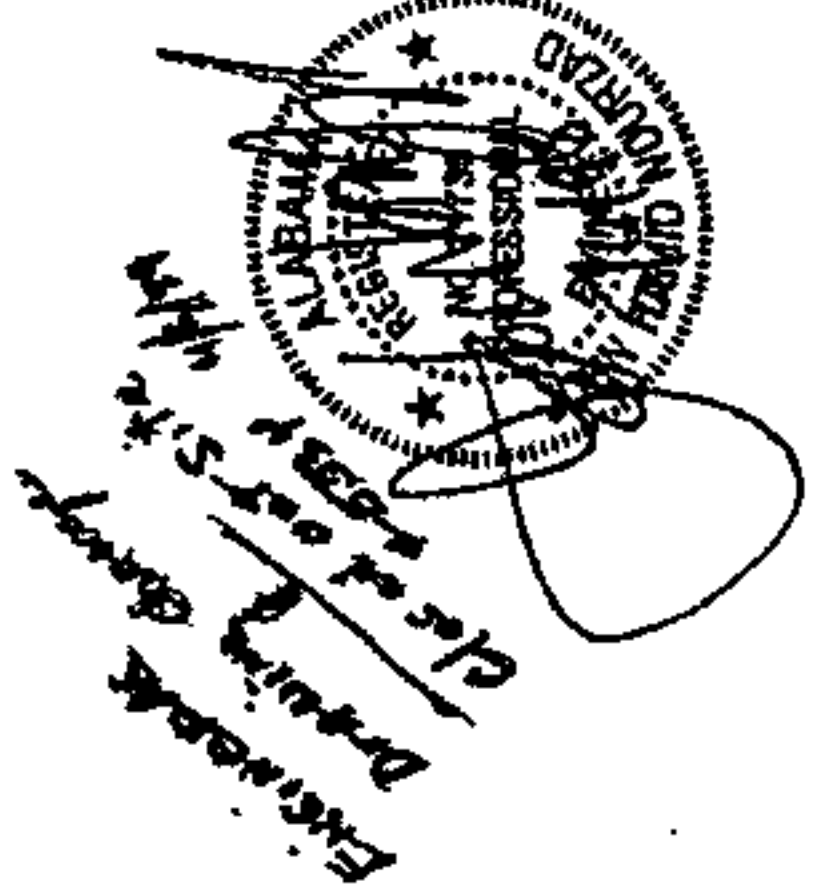
ALABAMA
3500 PELHAM PARKWAY
PELHAM, AL

REV 1
DATE 9-5-97
JHN
MTP
DES
MTP
DRW

PELHAM, AL
WM# 423 / STA# 5534

SHEET

Alabama Line
Location Center, Inc.
1-800-292-8525
252-4444 (Birmingham Area)
Call 2 working days before digging.
It's the Law!



- LEGEND**
- EXISTING**
- 1" = 1' CURB & GUTTER
 - 1" = 1' SIDEWALK
 - 1" = 1' EDGE OF PAVEMENT
 - 1" = 1' SOLID STRIPE
 - 1" = 1' DOUBLE SOLID STRIPE
- PROPOSED**
- 1" = 1' BOUNDARY LINE
 - 1" = 1' RIGHT OF WAY LINE
 - 1" = 1' GAS
 - 1" = 1' OVERHEAD ELECTRIC
 - 1" = 1' SEWER
 - 1" = 1' UNDERGROUND TELEPHONE
 - 1" = 1' WATER
 - 1" = 1' DRAINAGE MANHOLE
 - 1" = 1' FIRE HYDRANT
 - 1" = 1' IRON PIPE FOUND
 - 1" = 1' ANALOG
 - 1" = 1' SEWER MANHOLE
 - 1" = 1' SERVICE POLE
 - 1" = 1' SPRAWLER

GENERAL UTILITY NOTES

- ALL WATER LINES SHALL BE LOCATED TO THE RIGHT OF THE ROAD.
- ALL SANITARY LINES SHALL BE LOCATED TO THE LEFT OF THE ROAD.
- CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
- ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE ALABAMA PUBLIC SERVICE COMMISSION RULES AND REGULATIONS.
- ALL UTILITIES SHALL BE INSTALLED AT A MINIMUM OF 48" DEPTH.
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SCALE IN FEET

ENTRANCE

PELHAM PARKWAY

US 31 SOUTH & PELHAM PARKWAY

ALABAMA POWER COMPANY

10' WIDE UNDERGROUND TRENCH

PELHAM PARKWAY

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