

## EASEMENT - DISTRIBUTION FACILITIES

sta 1+50 to sta 2+00

2004010200000210 Pg 1/3 17.50  
Shelby Cnty Judge of Probate, AL  
01/02/2004 08:56:00 FILED/CERTIFIED

TO BE RECORDED

YES NO

This Instrument prepared

Bill Childress

STATE OF ALABAMA }

County of Shelby }

TAX ID # \_\_\_\_\_

W.E. 61730-06-00103Parcel # 70/22029Transformer # S-11259Alabama Power Company  
Post Office Box 2641  
Birmingham, Alabama 35291-1980A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Birmingham Bay Limited Partnership

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 Alabama Power Company, (the Company) its successors and assigns, the easements, rights and privileges described and designated in Section B below.

B. RIGHTS The easements, rights and privileges granted hereby are as follows:

1. ~~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, translosures, 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").

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"):

Lots 6A, 7A of Block \_\_\_\_\_ of resurvey of Lots 5, 6, 7 & 8 of South Park Subdivision  
as recorded in Map Book 23, page 119 and being located in the SW 1/4 of the SW 1/4 of  
Section 30, Township 19 South Range 2 West and recorded in Deed Book \_\_\_\_\_, page \_\_\_\_\_  
all being recorded in the Office of the Judge of Probate in said County.

D. ADDITIONAL PROVISIONS. 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 and, as to such relocated Facilities, to exercise the rights granted above; 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. 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.

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

WITNESSES:

GRANTOR(S)

(Husband)

(Wife)

(Seal)

(Seal)



IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed \_\_\_\_\_, its authorized representative, as of 4<sup>th</sup> day of September, 2004.3

GRANTOR

ATTEST:

Dat Budowick  
(Witness/Secretary)

Birmingham Bay LP  
(Name of Corporation/Partnership)

[Signature]  
(Signature of Officer/Partner)

General Partner  
(Indicate title of Officer or Partner)

← PLEASE SIGN & RETURN

INDIVIDUALS NOTARY

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 \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public

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

CORPORATION/PARTNERSHIP/LLC'S NOTARY

STATE OF ALABAMA }  
County of Shelby }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that David Doeblen whose name as General Partner of Birmingham Bay Limited 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/~~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 9<sup>th</sup> day of September, 2003.

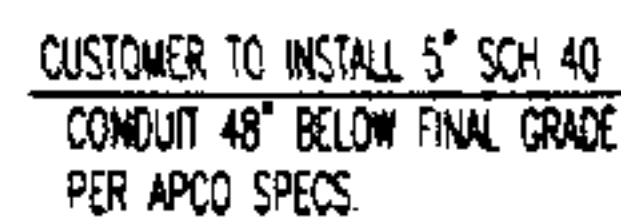
William R. Childress  
Notary Public

My commission expires 1-4-2006

For Alabama Power Company Corporate Real Estate Department use only.

All facilities on Grantor: \_\_\_\_\_ Station to Station: \_\_\_\_\_

2: 300kVA 277/480V 35kV 3# DFPIM  
CALC LOAD=250.6kVA  
1: 3-400.5 BUSHING TYPE CTS



1: 3-1/0 35KV PRI ELBOWS

SOUTHPARK DR

**SOUTHPARK TRACE**

RIW Note  
Dedicated Rd. - Soft.  
station to station

CUSTOMER CONTACTS:  
GREG BASS (MARATHON ELECTRIC) 323-  
DAVID (DUNCAN & THOMPSON CONS

1. SWITCH PLATE (XD-6643)  
\*SEE SECTIONALIZING DWG

LOAD INFO	
LOAD	KW
LIGHTS	13.5
WH	2.5
RES. HT	114.0
RECEPTACLES	59.0
AC	36.5
TOTAL	225.5KW
	90.9PF 250.6KVA

PLAN SCALE

CITY: RIVERCHASE COUNTY: SHELBY

MAP REF: 2W-19-30-3	SEC- 30, TP-19S, R-2W
---------------------	-----------------------

DRAWN JLT ENGR BOB JORDAN DATE 06/26/03

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

AUTOMATED DRAWING - MAKE NO MA

ALABAMA POWER C

JOB POWER DELIVERY - BIRMI

DETAIL RECREATIONAL WAREHOUSE  
1870 SOUTHPARK DR

1670 SOUTHPARK DR

SCALE 1" = 20' PLOTTED           

SHEET 1 OF 2 SHEETS

SUPERSEDES