

EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

TO BE RECORDED: YES ☒ NO ☐

20040115000028690 Pg 1/9 35.50
Shelby Cnty Judge of Probate, AL
01/15/2004 15:00:00 FILED/CERTIFIED —
Alabama Power Company
P. O. Box 2641

STATE OF ALABAMA }
COUNTY OF Shelby }
TAX ID # _____

W.E. No. 61700-06-00093
Parcel No. _____
Transformer No. S-10934, S-10935, S-10936, S-10937 Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Alabaster Retail Property, L.L.C.

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, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B below.

B. **RIGHTS** ^{non-exclusive} The easements, rights and privileges granted hereby are as follows:

- 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 Company's final location 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, trans closures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or 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 keep 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 the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.
- 2. Line Clearing.** The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or distribution lines, poles, towers or other Facilities now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.
- 3. Guy Wires and Anchors.** The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing; and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.

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 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"):

For legal description, see Exhibit "A", attached hereto and made a part hereof.

~~B. **ADDITIONAL PROVISIONS.** In the event it becomes necessary or desirable for the Company to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance 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. 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.~~

Attached Addendum is included as a part of this document.

TO HAVE AND TO HOLD the same 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 22nd day of December, 2003.

Witness

(Grantor)

Alabaster Retail Property, L.L.C. (SEAL)

(Grantor)

By: SC Management, Inc. Its Manager

By:

As: Jake E. Aronov

Its: President

Witness

Witness

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by _____
authorized representative, as of the _____ day of _____, 20____.

ATTEST (if corporation) or WITNESS:

(Grantor - Name of Corporation/Partnership/LLC)

By: _____

By: _____ (SEAL)

Its: _____

Its: _____

[Indicate President, General Partner, Member, etc.]

INDIVIDUAL NOTARIES

STATE OF ALABAMA }

COUNTY OF _____ }

I, the undersigned, 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 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 _____, _____.

[SEAL]

Notary Public
My commission expires: _____

STATE OF ALABAMA }

COUNTY OF _____ }

I, the undersigned, 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 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 _____, _____.

[SEAL]

Notary Public
My commission expires: _____

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }

COUNTY OF MONTGOMERY }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____
_____, whose name as _____ of _____
_____ a _____ [as _____
_____] 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 _____ 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 _____ December, 2003.

[SEAL]

Notary Public
My commission expires: _____

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: _____

Station to Station: _____

STATE OF ALABAMA)
 :
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jake F. Aronov whose name as President of SC Management, Inc., an Alabama corporation, acting as Manager of Alabaster Retail Property, L.L.C., an Alabama limited liability company, 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 President and with full authority, executed the same voluntarily for and as the act of said corporation acting as Manager of said limited liability company.

Given under my hand and official seal this 22 day of December, 2003.

(SEAL)

Elizabeth R. Fitzner
Notary Public
My commission expires: 9-24-2007

EXHIBIT "A"

WE 61700-06-00093

Power Co. Easement
12/03/03

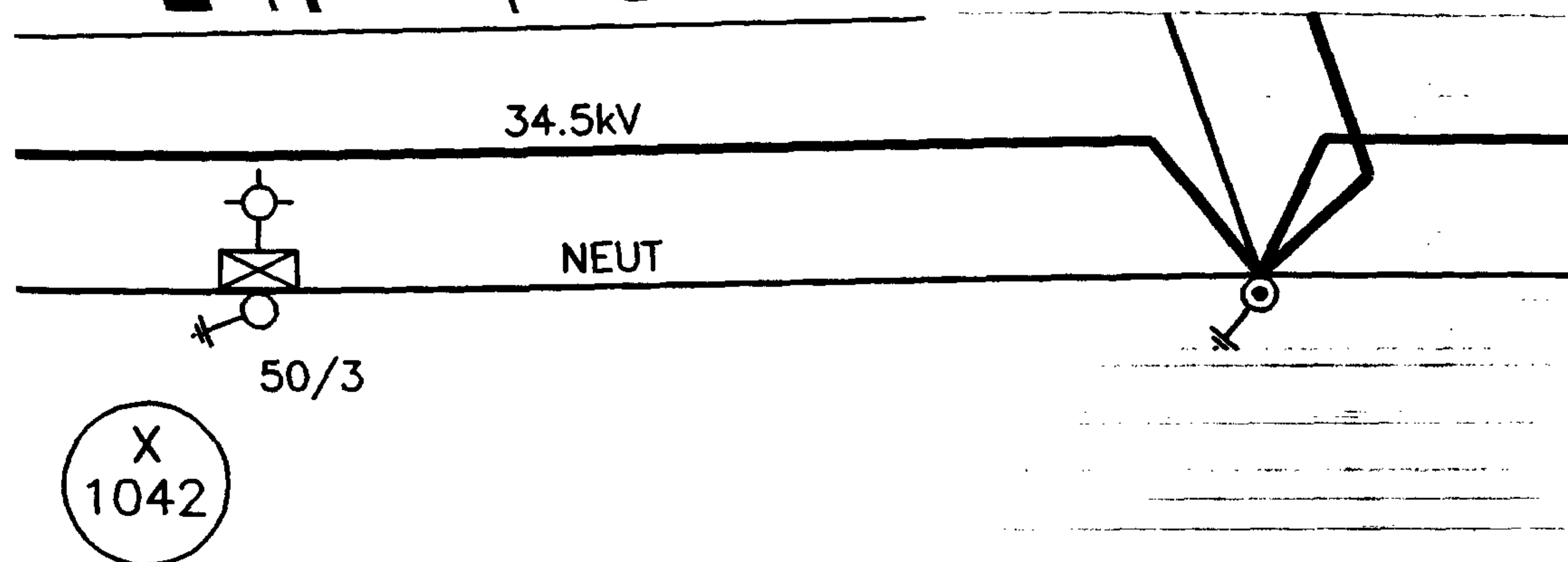
STATE OF ALABAMA
SHELBY COUNTY

A parcel of land situated in the NE 1/4 of the NW 1/4 of Section 14, Township 21 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at a 3" iron pipe found at the northwest corner of said Section 14; thence, run South 89°03'42" East along the north boundary of said Section 14 a distance of 1538.52 feet to a point on the southeast right-of-way of Alabama Highway No. 119 (variable right-of-way); thence, run South 25°20'17" West along said right-of-way a distance of 134.10 feet to a point on the southwest right-of-way of a proposed 60-foot Public Road, said point being the POINT OF BEGINNING; thence, depart said right-of-way and run South 67°21'17" East along said proposed right-of-way a distance of 340.47 feet to the Point of Curvature of a curve concave northeastwardly, said curve having a radius of 280.00 feet and a delta angle left of 13°19'35"; thence, run along said proposed, curving right-of-way an arc distance of 65.13 feet to the Point of Tangency of said curve (the chord subtending said arc bearing South 74°01'05" East a distance of 64.98 feet); thence, run South 80°40'52" East along said proposed right-of-way a distance of 72.53 feet to the Point of Curvature of a curve concave southwestwardly, said curve having a radius of 312.69 feet and a delta angle right of 16°11'06"; thence, run along said proposed, curving right-of-way an arc distance of 88.33 feet to the Point of Tangency of said curve (the chord subtending said arc bearing South 72°35'20" East a distance of 88.03 feet); thence, run South 64°29'47" East along said proposed right-of-way a distance of 170.75 feet; thence, depart said proposed right-of-way and run South 25°31'20" West a distance of 22.22 feet; thence, run North 67°53'14" West a distance of 254.47 feet; thence, run North 72°04'21" West a distance of 172.90 feet; thence, run North 67°21'17" West a distance of 72.53 feet; thence, run South 30°49'20" West a distance of 202.10 feet; thence, run North 64°29'29" West a distance of 10.04 feet; thence, run North 30°49'20" East a distance of 201.59 feet; thence, run North 67°21'17" West a distance of 223.98 feet to a point on the southeast right-of-way of said Alabama Highway No. 119; thence, run North 25°20'17" East along said right-of-way a distance of 15.02 feet to the POINT OF BEGINNING.

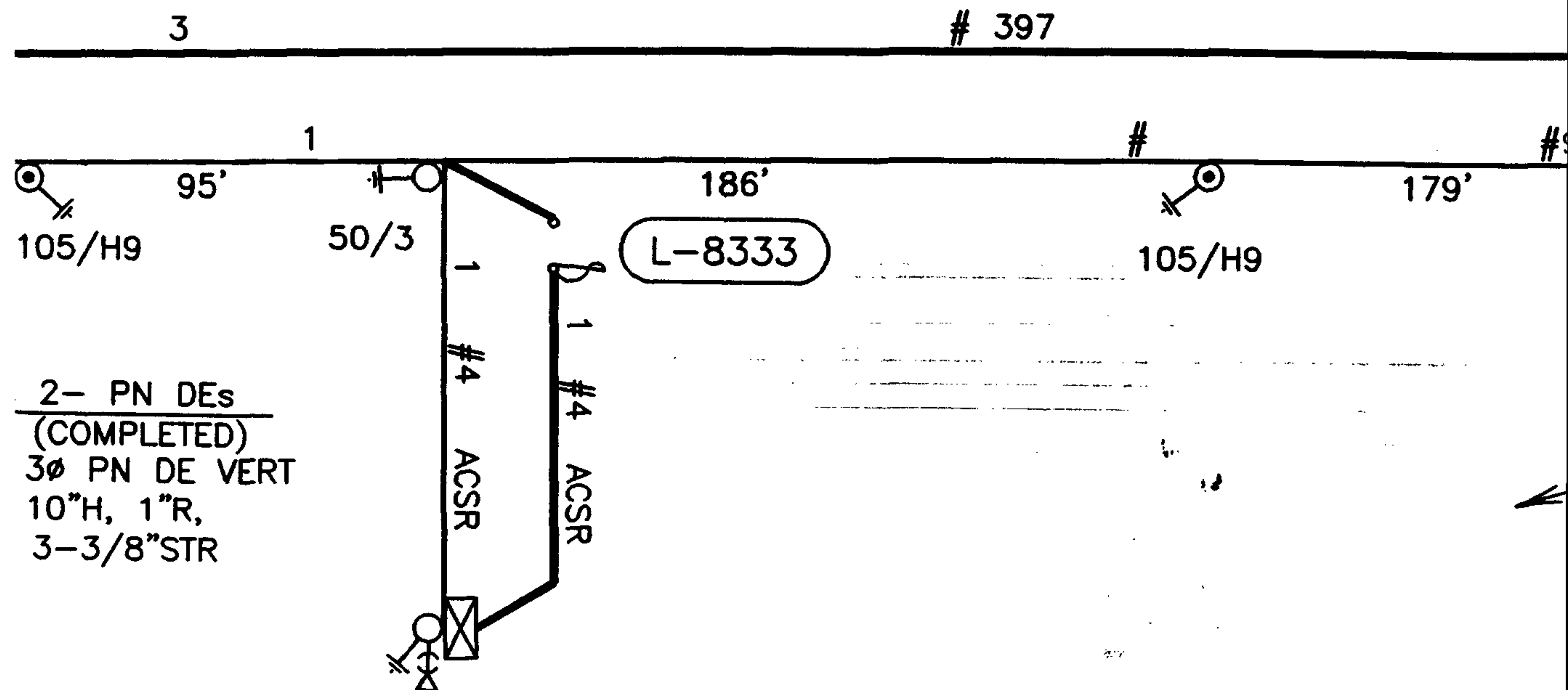
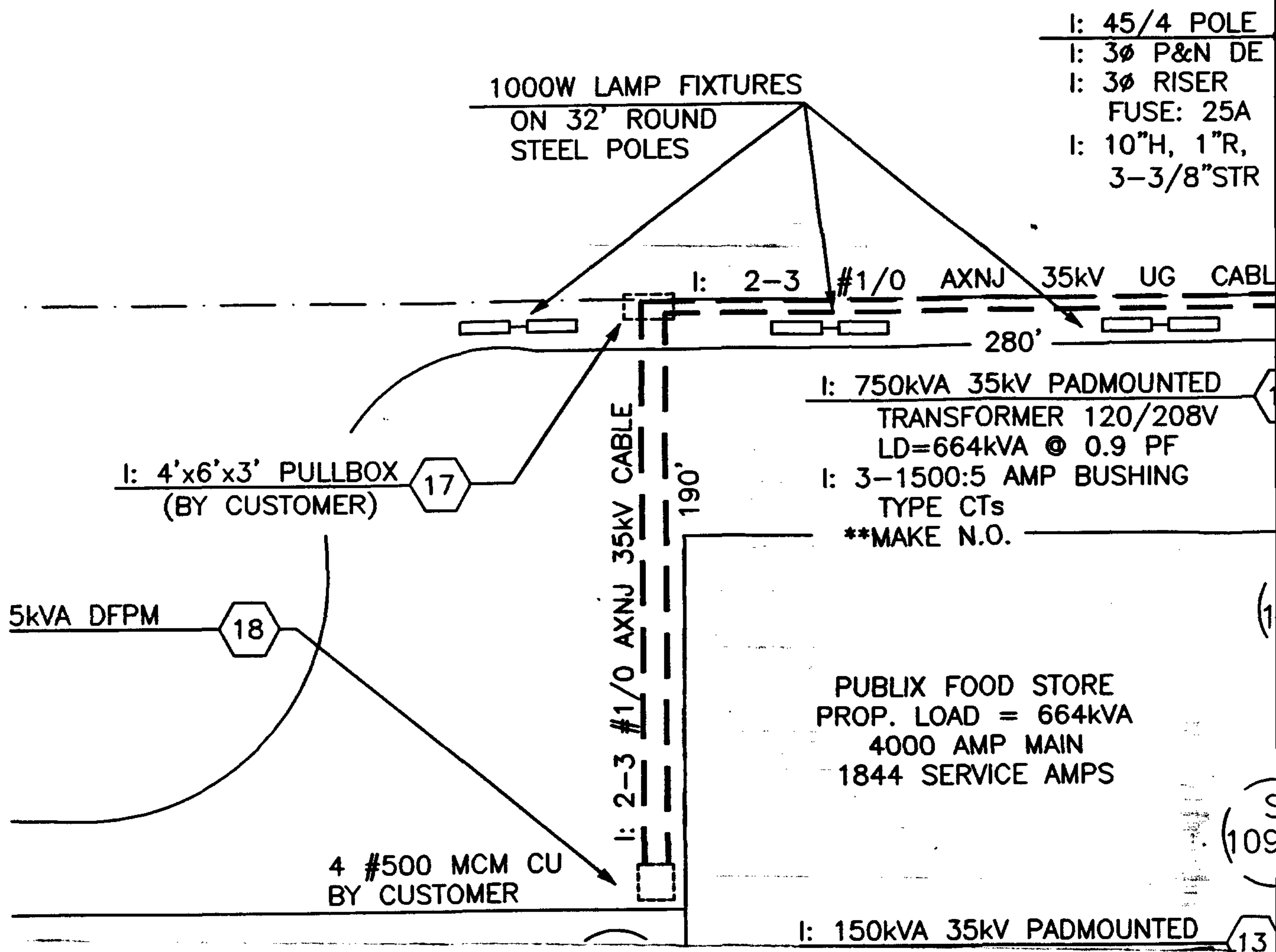
Said parcel contains 16,580 square feet (0.381 acres).

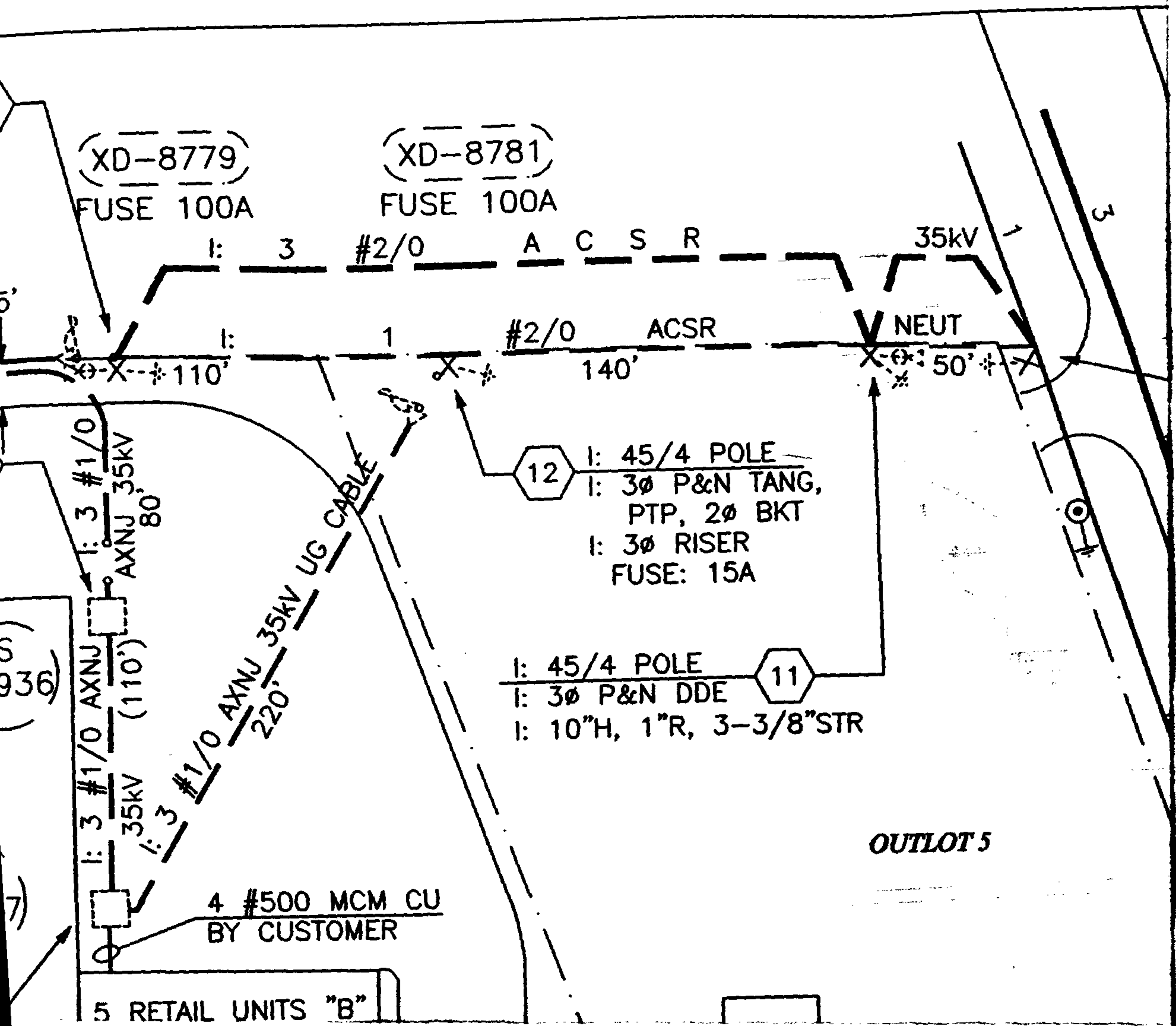
ALL BEARINGS DERIVED FROM STATE PLANE COORDINATES (ALABAMA WST ZONE) GRID NORTH.



C-61700-06-00093

\\Workgroups\APC Birmingham Division\Division Mapping\Cadet

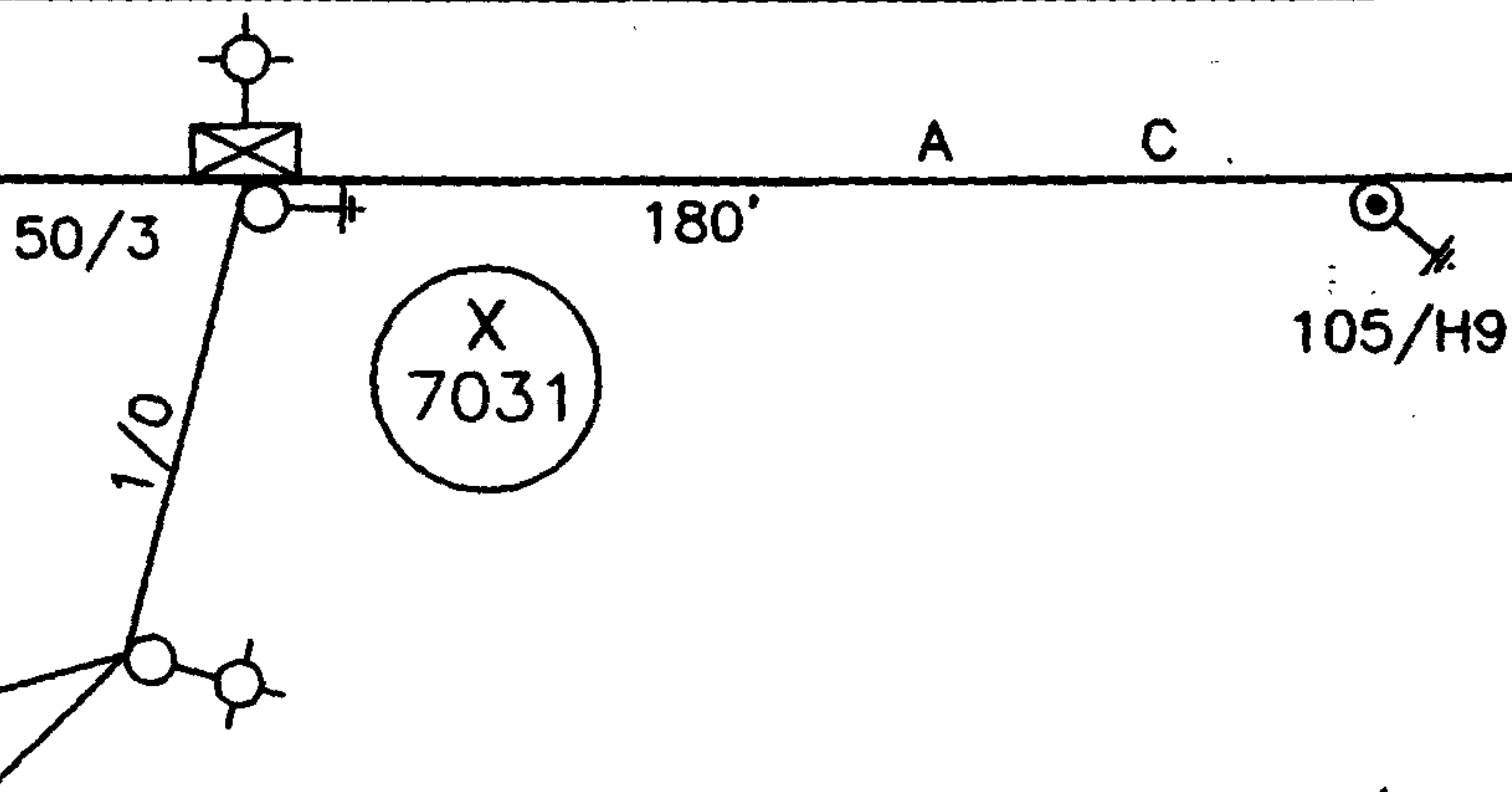




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A C S R

A C S R



PLAN SCALE

COUNTY: SHELBY

MAP REF: 3W-21S-14 SEC-14

DRAWN JLT ENGR C. CROUCH

APPROVED _____

APPROVED _____

REVISED: 11/14/03 **JLT**

3 POLE 15' BEHIND CURB
5N DE
1, 1"R, 2-3/8"STR

19

POSED
IRE
ATION

PROPOSED

255'

DOLLAR
GENERAL

I: 300kVA
120/208V
LD=204kVA

OLE 15' BEHIND CURB

I: 3-10 H, 1 R,
2-3/8"STR

3 #397 ACSR 34.5kV

1 #397 ACSR NEUT

105/H9
CONC

OLD CO RD 26 W

NEW CO RD 26 W

1 #4
ACSR

1 #4
ACSR

50/3 88'

X
6984

3

HWY 26

L8335

I: 50/
I: 30
I: 10

PRO
S

I: 50/3

