

\$2000

EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

TO BE RECORDED: YES ☒ NO ☐

This instrument prepared by:

Bill Childress

Alabama Power Company

P. O. Box 2641

Birmingham, Alabama 35291


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

W.E. No. 61730-00-0174-3
Parcel No. 70125556
Transformer No. S-11545, S-11546

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Kimco Birmingham, L.P.

as grantors (s), (the "Grantor", whether one or more) for and in consideration of One and No/100 (\$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 he successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B be

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


20040204000057720 Pg 1/4 20.50
Shelby Cnty Judge of Probate, AL
02/04/2004 12:38:00 FILED/CERTIFIED

1. **Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under, across, along, adjacent to, and in connection with, 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"):

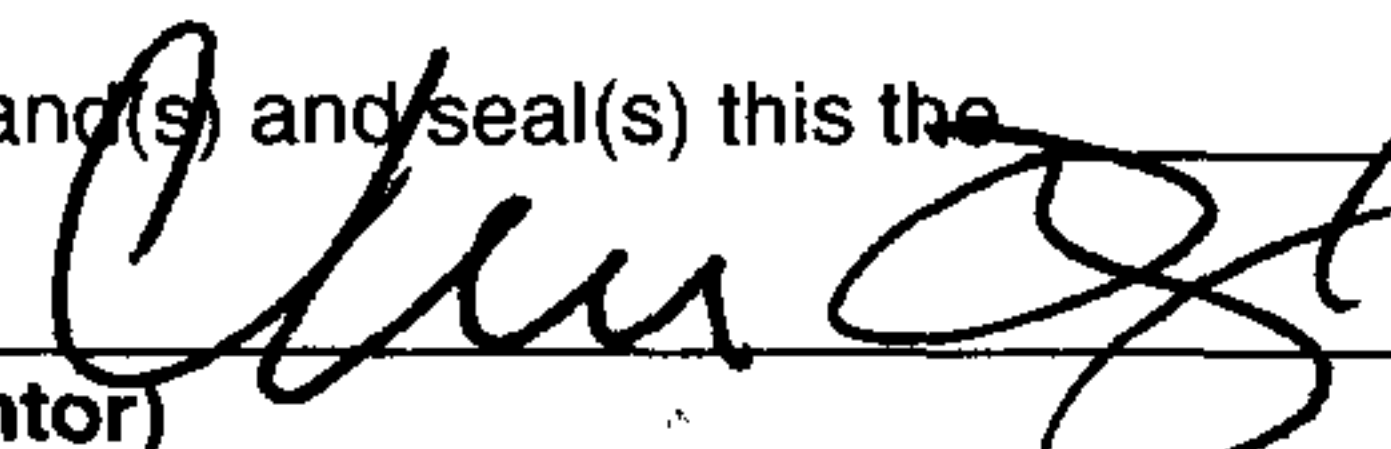
For legal description, see Exhibit "A", attached hereto and made a part hereof.

D. **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.

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 _____ day of _____, 20____.

Witness _____

 (SEAL)
(Grantor)

Witness _____

Kimco Birmingham L.P. (SEAL)
(Grantor)

Witness _____

By: Christopher Maguire (SEAL)
As: President

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

ATTEST (if corporation) or WITNESS:

(Grantor - Name of Corporation/Partnership/LLC)

By: _____
Its: _____

By: _____ (SEAL)
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: _____

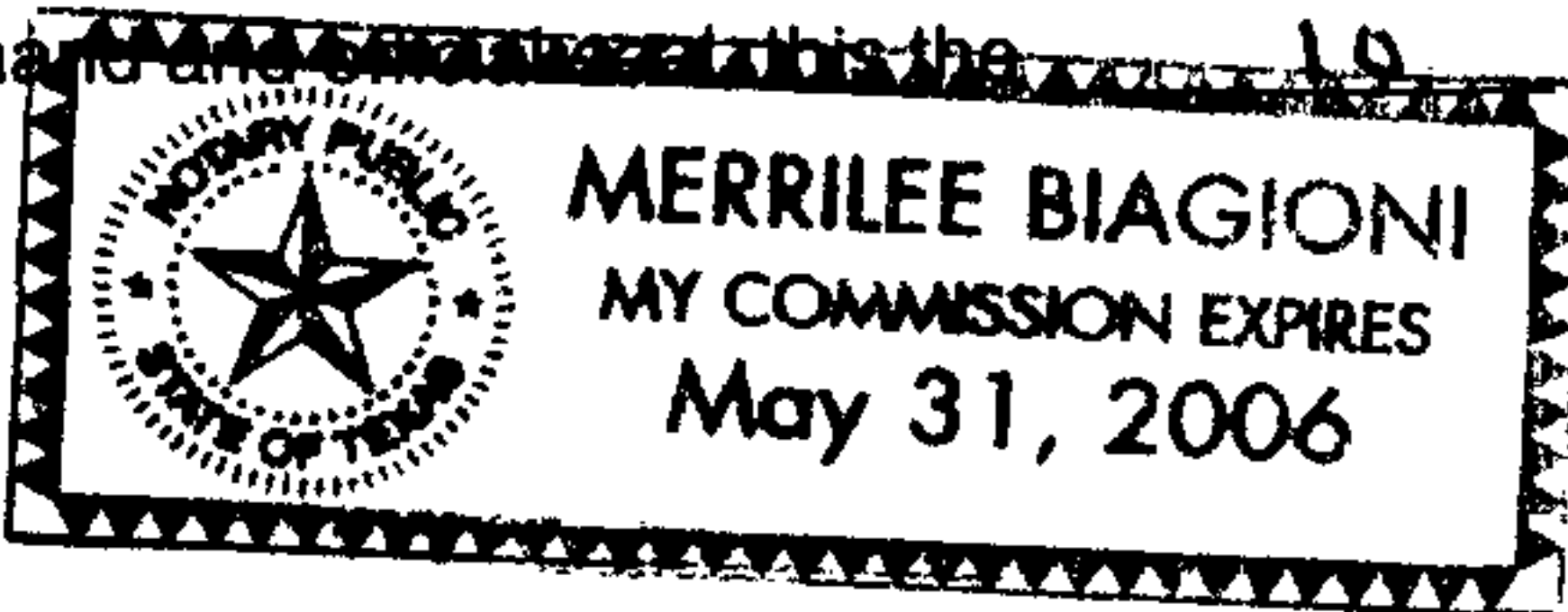
TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA ~~Alabama~~ Texas
COUNTY OF Dallas }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Chris Maguire whose name as President of Kimco Birmingham, L.P. 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 President 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 10 day of December, 2003.

[SEAL]



M Biagioni
Notary Public
My commission expires: May 31, 2006

For Alabama Power Company Corporate Real Estate Department Use Only

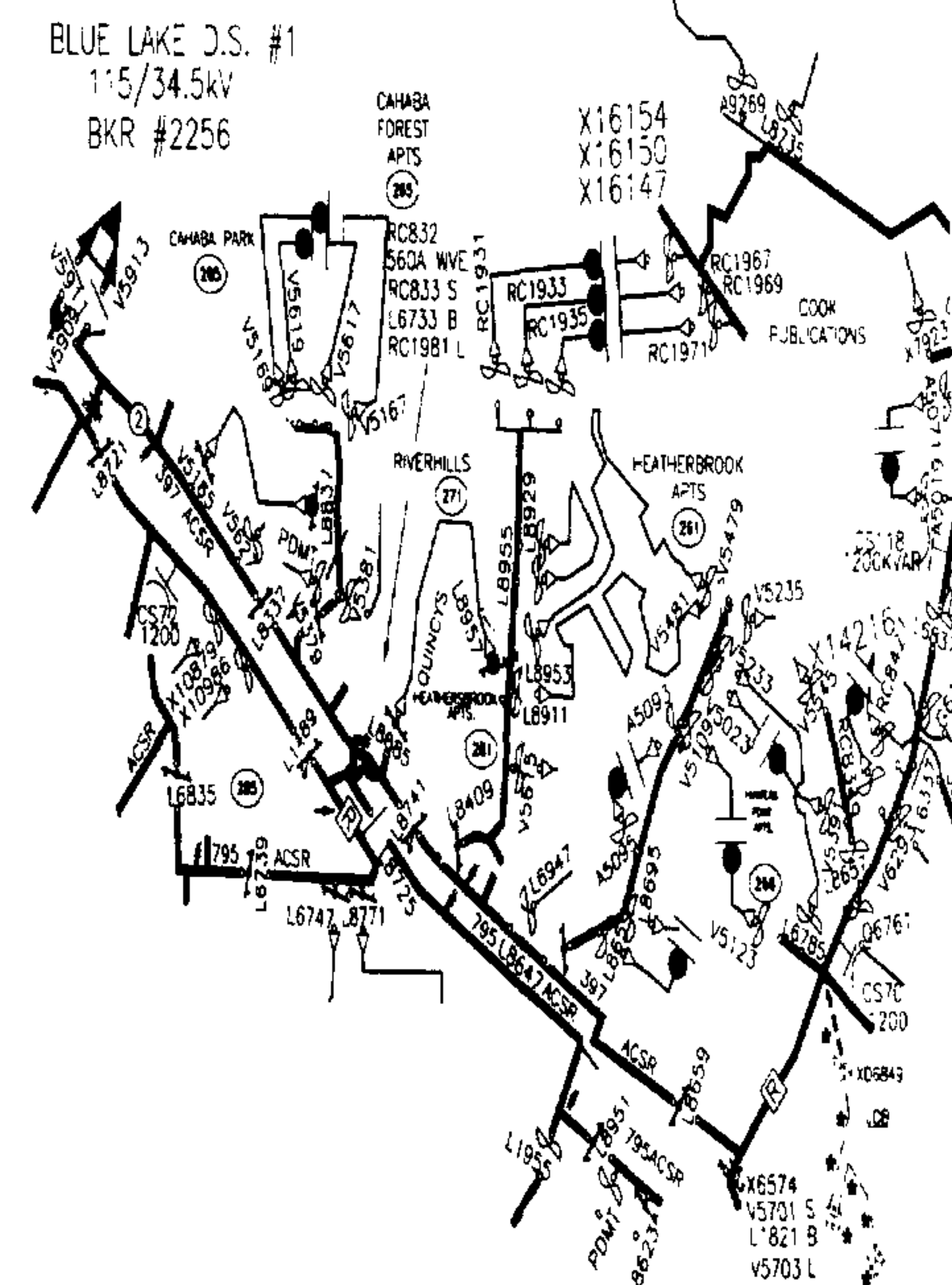
All facilities on Grantor: _____ Station to Station: _____

Exhibit "A"

WE # 61730.00-01743

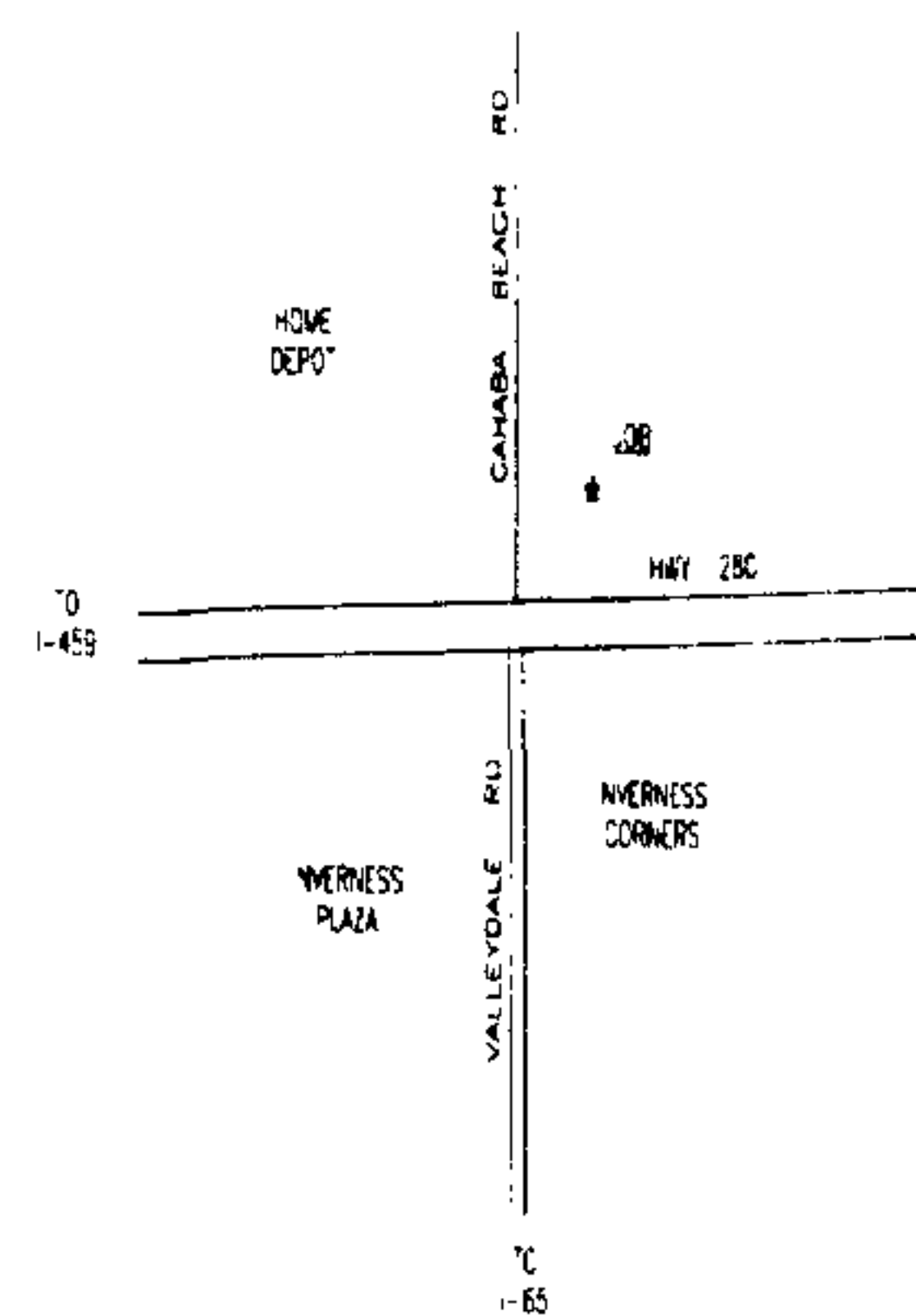
A parcel of land situated in the Northeast one-quarter of the Southeast one-quarter of Section 36, Township 18 South, Range 2 West and the Northwest one-quarter of the Southwest one-quarter of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of said Section 36, Township 18 South, Range 2 West and run in a Northerly direction along the East line for a distance of 1471.17 feet to a point on a curve to the right, said point also being a point on the Northern most right of way line of U.S. Highway 280 and the POINT OF BEGINNING; said curve having a radius of 3124.05 feet, a central angle of 03 degrees 05 minutes 26 seconds, a chord length of 168.49; thence run along arc of said curve and along said Northern most right of way line for a distance of 168.51 feet; thence turn a deflection angle of 01 degree 22 minutes 13 seconds from chord to the right and run in a Northwesterly direction for a distance of 621.39 feet; thence turn a deflection angle of 50 degrees 48 minutes 15 seconds to the right and run in a Northwesterly direction for a distance of 128.15 feet to a point on the Eastern most right of way line of Cahaba Beach Road; thence turn a deflection angle of 36 degrees 45 minutes 15 seconds to the right and run in a Northeasterly direction along said Eastern most right of way line for a distance of 101.52 feet; thence turn a deflection angle of 89 degrees 42 minutes 40 seconds to the left and run in a Northwesterly direction along said Eastern most right of way line for a distance of 19.70 feet; thence turn a deflection angle of 89 degrees 52 minutes 57 seconds to the right and run in a Northeasterly direction along said Eastern most right of way line for a distance of 42.66 feet to a point on a curve to the right; said curve having a radius of 1220.03 feet, a central angle of 12 degrees 22 minutes 05 seconds, a chord length of 262.85 feet; thence run along arc of said curve and along said Eastern most right of way line for a distance of 263.36 feet; thence turn a deflection angle of 12 degrees 23 minutes 15 seconds from chord to the right and run in a Northeasterly direction along said Eastern most right of way line for a distance of 289.69 feet to a point on a curve to the left; said curve having a radius of 915.84 feet, a central angle of 10 degrees 04 minutes 28 seconds, a chord length of 160.83 feet; thence run along arc of said curve and along said Eastern most right of way line for a distance of 161.03 feet; thence leaving said Eastern most right of way line, turn a deflection angle of 52 degrees 37 minutes 19 seconds from chord to the right and run in a Easterly direction for a distance of 242.13 feet to a point on the East line of said Section 36; thence turn a deflection angle of 87 degrees 44 minutes 32 seconds to the right and run in a Southerly direction for a distance of 165.34 feet; thence turn a deflection angle of 89 degrees 42 minutes 34 seconds and run in a Easterly direction for a distance of 419.70 feet; thence turn a deflection angle of 104 degrees 04 minutes 56 seconds to the right and run in a Southwesterly direction for a distance of 483.03 feet; thence turn a deflection angle of 14 degrees 23 minutes 26 seconds and run in a Southerly direction for a distance of 604.86 feet to a point on the Northern most right of way line of U.S. Highway 280; thence turn a deflection angle of 83 degrees 28 minutes 10 seconds to the right and run in a Southwesterly direction for a distance of 200.44 feet to a point on a curve to the right; said curve having a radius of 3124.05 feet, a central angle of 02 degrees 03 minutes 02 seconds, a chord length of 111.80 feet; thence run along arc of said curve and along said Northern most right of way line for a distance of 111.81 feet to the POINT OF BEGINNING. Said parcel contains 931,049 square feet 21.37 acres more or less.



CONTRACTOR TO DO 48" TRENCH & INSTALL
(2) 5" CONDUITS FROM RISER POLE TO 1st
TRANSFORMER, FROM 1st TO 2nd TRANSFORMER;
& FROM 2nd TRANSFORMER TO BACK OF CURB
FOR FUTURE USE.

LOCATION SKETCH



- overhead line
- underground cable



PLAN SCALE

AUTOMATED DRAWING - MAKE NO

ALABAMA POWER CO

POWER OF CERY - 31RM

DETAIL INVERNESS HEIGHTS MA

MAP REF: 2W-18-36-4	SEC-36 T2-18S R-2W
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DRAWN VL ENGR A. BLANKENSHIP DATE 10/29/03

SCALE 1" = 50' PLOTTED