

REPLACE OVERHEAD SERVICE TO UNDERGROUND SERVICE NEXTEL TOWER sta 1+00 to sta 1+42

EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

STATE OF ALABAMA)

COUNTY OF SHELBY)

TAX ID # _____

TO BE RECORDED: YES ☒ NO ☐

W.E. No. 61500-00-01304-00

70130955

Parcel No. 04-2-03-0-000-008.001

Transformer No. T24151

This instrument prepared by:

ROBERT E. BOWDEN
Alabama Power Company

P. O. Box 2641

Birmingham, Alabama 35291

A. **GRANT** KNOW ALL MEN BY THESE PRESENTS, that SEYBOURN E. HOPPER JR, sole owner 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** 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"):

THE EAST 1/2 OF THAT PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 3
TOWNSHIP 18 SOUTH RANGE 1 EAST LYING EAST OF HIGHWAY 41 AND SOUTH OF
HIGHWAY 474 SHELBY COUNTY ALABAMA

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 21st day of April, 2004.

Shelly O. Chanpin
Witness

[Signature] (SEAL)
(Grantor)


Witness

[Signature] (SEAL)
(Grantor)

Witness

By: _____ (SEAL)
As: _____

my commission expires 3/12/05


20040630000358530 Pg 1/2 14.50
Shelby Cnty Judge of Probate, AL
06/30/2004 08:59:00 FILED/CERTIFIED

SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

Map Center:
1783-12162

LatLon Center:
33.5026532822121; -86.5309419325975



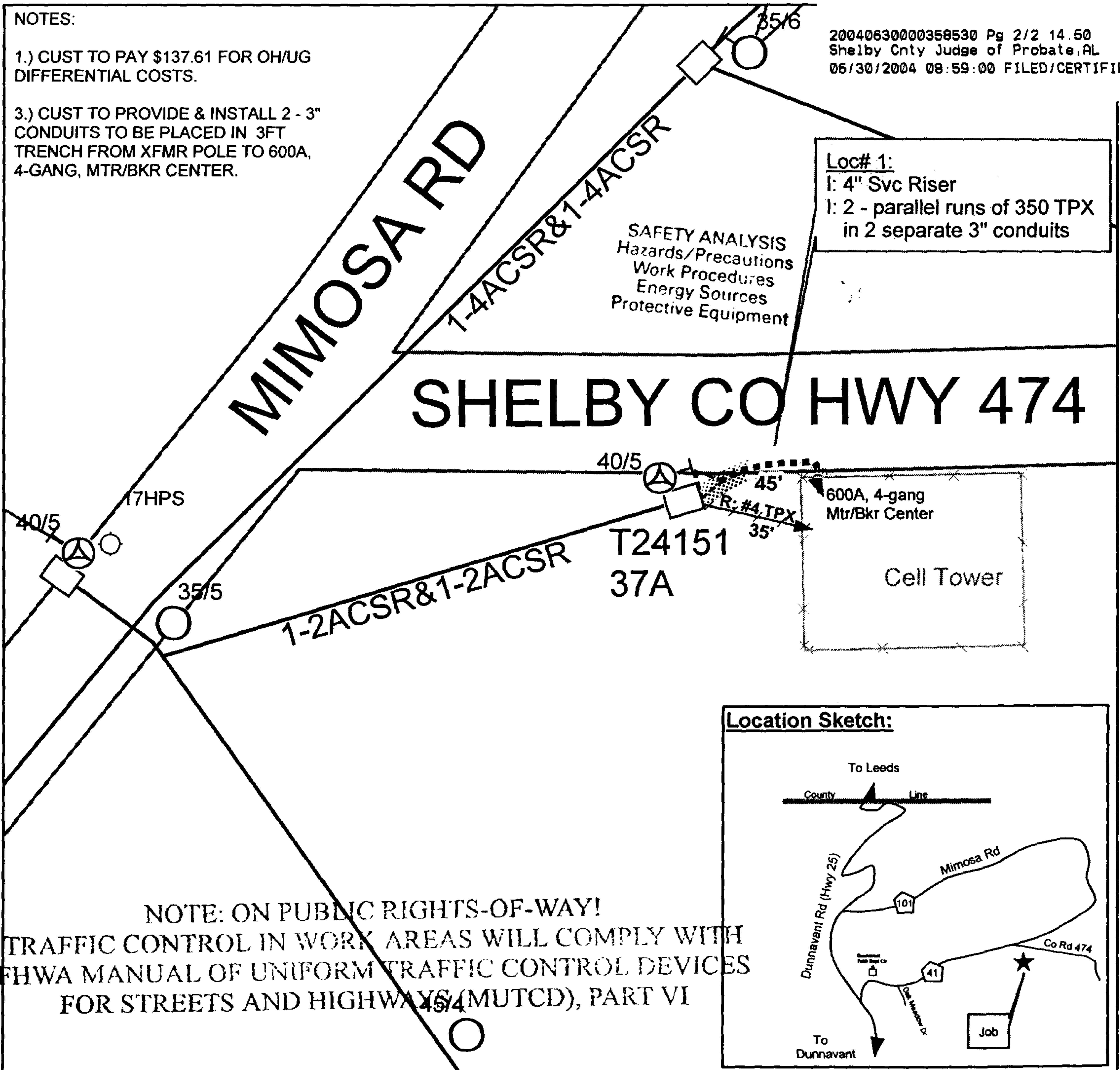
Customer NEXTEL		Location 56 HIGHWAY 474			Agreed Serv. Date 3/16/04		Estimate No. 61500-00-01304					
Region B'HAM - SOUTH		Oper. Cntr. LEEDS		Town/City DUNNAVANT		UserID: RDFOSTER # 11516		Created: 3/16/2004 10:10:23 AM				
County: Shelby		Section 3	Township 18S	Range 01E	Add'l Info CONT: JOHN ARMSTRONG ARD CONTRACTING (205) 870-0035 EXT 116 (W); (205) 492-7433 (C)							
Acquisition Agent		Date R/W Assigned		Date R/W Cleared		Transformer Loading Est. Ld. = 40 KVA						
Voltage	Phone Co	CATV Co	Accessible	Tree Crew	Rock Hole	Permits	RW	City	County	State	Miss All	Other
120/240V			Y				Y				Y	

NOTES:

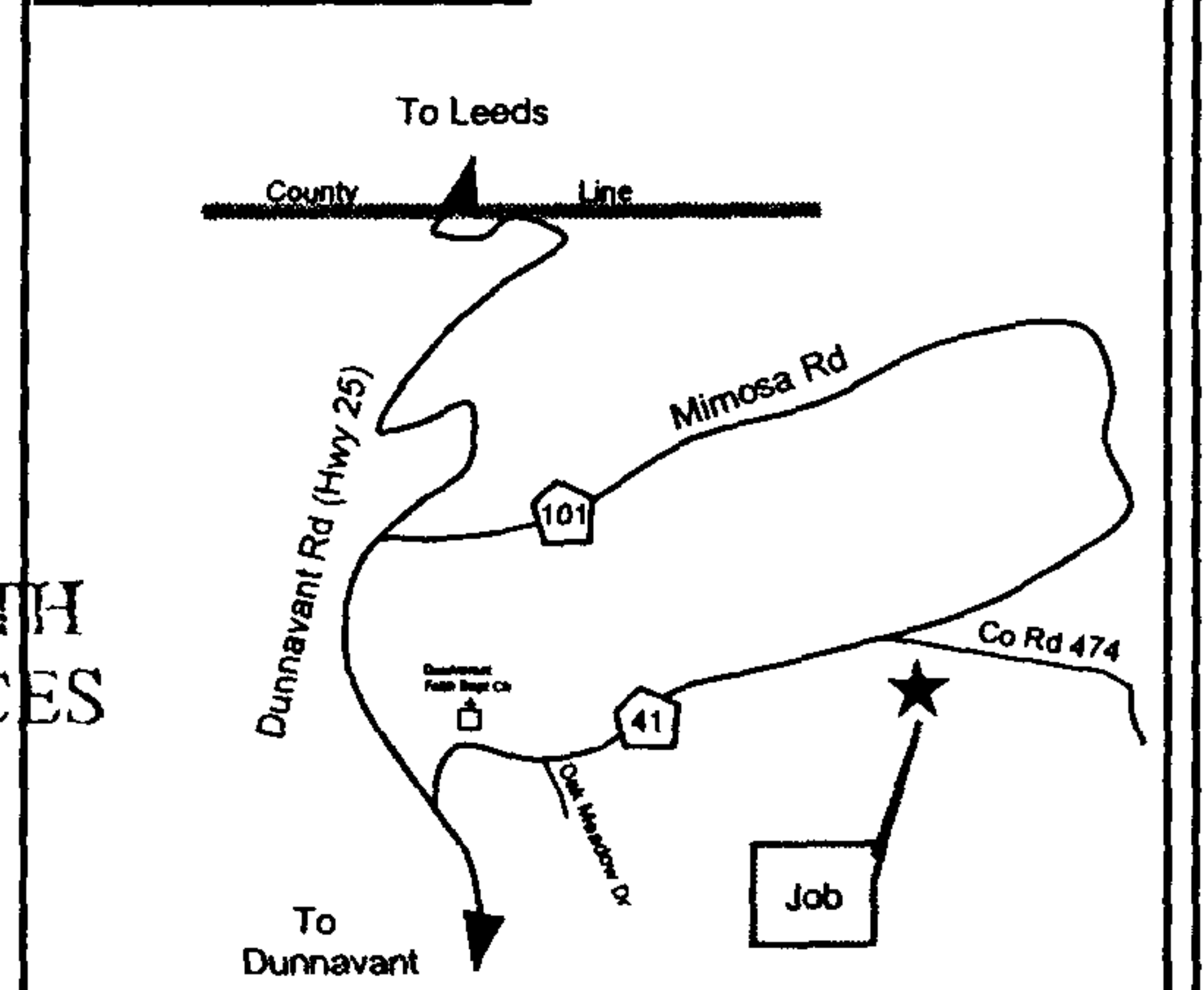
1.) CUST TO PAY \$137.61 FOR OH/UG DIFFERENTIAL COSTS.

3.) CUST TO PROVIDE & INSTALL 2 - 3" CONDUITS TO BE PLACED IN 3FT TRENCH FROM XFMR POLE TO 600A, 4-GANG, MTR/BKR CENTER.

20040630000358530 Pg 2/2 14.50
Shelby Cnty Judge of Probate, AL
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Location Sketch:



Cnst Completed By:

Date:

Scale: 1 inch equals 63 feet